United Nations S/AC.44/2004/(02)/64

Security Council

Distr.: General
6 December 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 2 November 2004 from the Permanent Mission of Slovakia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Slovakia to the United Nations has the honour to submit to the Chairman of the Committee the national report of Slovakia (see annex).

Annex to the note verbale dated 2 November 2004 from the Permanent Mission of Slovakia to the United Nations addressed to the Chairman of the Committee

Slovakia

A report pursuant to operative paragraph 4 of Security Council resolution 1540 (2004)

Scope of the report of Slovakia on implementation of UNSC resolution 1540 (2004)

The adoption of UNSC resolution 1540 (2004) has provided for an important tool in coping with the challenge of proliferation of weapons of mass destruction and, more importantly, preventing their falling into the hands of and proliferation by non-state actors which represent one of the most pressing issues of international peace and security today.

Slovakia has welcomed the unanimous adoption of the resolution with unequivocal support in expression of our long-standing policy against proliferation of WMD and their means of delivery. In practical terms, this policy has continuously been translated into a wide range of legislative, executive and enforcement measures before as well as after April 2004.

The Slovak authorities are firmly committed to implementing UNSC resolution 1540 (2004) and ready to lend their full co-operation to the 1540 Committee.

Legislative measures

Slovakia has introduced into domestic legislation a wide range of measures designed to prevent the proliferation of WMD, including their proliferation by non-state actors. Centremost to the relevant legislative toolbox are Act 26/2002 laying down the conditions for control of imports, exports and brokering activities relating to goods and technologies subject to international control regimes, Act 179/1998 on trading in military materials, Act 129/1998 on the prohibition of chemical weapons and Act 130/1998 on peaceful uses of nuclear energy (so called "Atomic Act").

The legislative measures as they relate to the specific provisions of UNSC resolution 1540 (2004) are given in more detail below.

Executive measures

At the executive level, the implementation of non-proliferation measures cuts across the province of a number of departments such as the Ministry of Economy, the Ministry of Health, the Ministry of Defence, the Ministry of Foreign Affairs and the Nuclear Regulatory Authority. Co-ordination among the departments is ensured by definition of their mandate in the relevant legislation. The Ministry of Foreign Affairs is responsible for the monitoring of the implementation of UNSC resolution 1540 (2004) and preparation of the national report submitted to the 1540 Committee.

In the spirit of the conclusions reached at the Fifth Review Conference of States Parties to the Biological and Toxin Weapons Convention, concrete steps have been undertaken to establish in the foreseeable future a national implementation office for the convention. The Ministry of Health is envisaged to assume this capacity and to initiate the preparation of relevant legislative measures.

Enforcement measures

Action at the level of enforcement falls primarily within the purview of the Ministry of Economy, the Nuclear Regulatory Authority and the Customs Directorate. While the Ministry of Economy performs control of trade with sensitive goods and functions as national implementation office for the Chemical Weapons Convention, the Nuclear Regulatory Authority (UJD) oversees any movement of nuclear and related items involving Slovakia territory or subject. The Customs Directorate, with its customs crime combat unit (CKU), is responsible for practical enforcement of the principles related to export or transit of controlled goods.

The above departments have at their disposal intelligence provided by the Slovak Intelligence Service and military intelligence services. When necessary, expertise of scientific and technical institutions is called in e.g. by means of arrangement concluded between the Customs Directorate and the Military Technical and Experimental Institute. The Ministry of Foreign Affairs holds veto powers on export control regime and its negative opinion is binding on the Ministry of Economy and ultimately results in turning down of export licence application.

Measures in support of encouraging compliance

Encouraging compliance represents a large portion of governmental outreach activities to industry. The main thrust of the activities is gradually being expanded beyond the basic forms of interaction so far available between the relevant departments and exporters (e.g. in-office-hours consultations) to measures seeking a more action-oriented approach on the part of state agencies.

At present, for instance, joint preparations by the Ministry of Economy and the Slovak Chamber of Commerce for launching of the Internal Control Program (ICP) are underway. Within the ICP framework, publications and computer programs will be prepared so as to assist exporters in getting acquainted with Slovakia and EU dual-use related legislation, important area-related documents and samples on their completion.

Where feasible, steps are observed to promote compliance outreach on a more formal basis. The MOU concluded between the customs and police authorities and the representatives of chemical and pharmaceutical industry is a good example.

Activities in the European Union

After joining the European Union (EU), Slovakia has worked to actively contribute to Union's activities against proliferation of WMD and their means of delivery and to the implementation of a major project in this field, the EU Strategy for preventing the proliferation of WMD adopted by the European Council in December 2003.

As Slovakia is a member of the EU, reference is made to the EU Common Report that will be transmitted to the UNSC 1540 Committee separately. This EU report covers areas of EU and Community powers and activities in relation to UNSC resolution 1540 (2004) and should be read in conjunction with this national report.

Commitment to international instruments

Slovakia is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BWC).

Slovakia has completed the necessary procedures with respect to the coming into force of the Agreement between Belgium, Denmark, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, the European Atomic Energy Agency (EURATOM) and the International Atomic Energy Agency (IAEA) in connection with the Treaty on the Non-Proliferation of Nuclear Weapons and with respect to the relevant Additional Protocol.

Slovakia is also a member of nearly all of the export control regimes: the Australia Group (AG), the Wassenaar Arrangement (WA), the Nuclear Suppliers Group (NSG) and Zangger Committee, and is actively seeking membership in the Missile Technology Control Regime (MTCR) whose guidelines we undertook to apply on a voluntary basis. In addition, we are a subscriber to the Hague Code of Conduct against the Proliferation of Ballistic Missiles (HCOC). These non-proliferation structures make an important contribution in the field of export control of WMD-usable materials and technologies as well as to rising standards of non-proliferation behaviour and vigilance of participating states. Most of the export control regimes introduced in their guidelines specific provisions ("terrorism clauses") to deny terrorists access to the items controlled.

Slovakia has joined a wider group of partner states that support the Proliferation Security Initiative (PSI) and its stated principles. The PSI, building on consistence with national legal authorities and international legal frameworks, provides for a new qualitative input to active prevention of WMD and related material trafficking by both state and non-state actors.

Slovakia joins in encouraging all states to align themselves with the purposes and instruments of these groupings.

Assistance to other States

Slovakia recognizes the view of the UNSC that some States may require assistance in implementing the provisions of resolution 1540 (2004) and is fully aware of the invitation to States in a position to do so to offer assistance. We are prepared to consider any specific request form States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the provisions of the resolution and what experience and resources we can offer.

Slovakia, within her capacities, has adopted an active stance on the issue of international assistance in the field of non-proliferation. The main bulk of our assistance activities and resources have been provided mostly through the relevant international institutions such as the IAEA and the OPCW.

Observations in relation to the implementation of specific issues outlined in UNSC resolution 1540 (2004)

OP1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, posses, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

- **Slovakia does not provide any form of support specified in operative paragraph 1 to non-State actors. Providing of such support is categorically prohibited under national law.**

OP2

Decides that all Sates, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-Sate actor to manufacture, acquire, posses, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as accomplice, assist or finance them;

- **Act 26/2002 laying down the conditions for control of imports, exports and brokering activities relating to goods and technologies subject to international control regimes. Introduces penalties for violation or breach of rules for trading with sensitive goods.**

- **Act 179/1998 on trading in military materials. Introduces penalties for violation or breach of rules for trading with military material.**

- **Act 129/1998 on the prohibition of chemical weapons. Prohibits any manufacturing, development, possession or trading with chemical weapons. Introduces rules for handling related sensitive substances and materials.**

- **Act 130/1998 on peaceful uses of nuclear Energy ("Atomic Act").**

- **Legislative steps underway for establishing a national BWC implementation office.**

- **Planned preparation of a new act amending and streamlining Act 26/2002 so as it does not duplicate EU legislation.**

OP3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

- **Maintaining a system of issuing official permits in order to monitor any movement of dangerous chemicals usable for the production of chemical weapons.**

- Application of Act 179/2002 on trading with military material and Act 455/1991 on small businesses (Trade Licence Law) by means of which it is forbidden to trade, mediate trade, import, export, acquire or transport nuclear, chemical biological weapons and related components.

- Application of Act 26/2002 on the control of imports, exports and brokering activities relating to goods and technologies subject to international control regimes in every case of export of dual-use items. Granting a licence for export, import or transit of nuclear material is subject to appropriate route charting by the Nuclear Regulatory Authority (UJD) along which material is to be transported.

- All nuclear activities and nuclear material in Slovakia are subject to the IAEA full-scope safeguards in accordance with the safeguard Agreement.

- The goal of regulatory activity in the field of nuclear materials management is to ensure that nuclear materials are used in accordance with UJD permits which are issued only to those applicants who have proved their capability to use the nuclear materials, in accordance with legal regulations and commitments of Slovakia. The applicant must ensure in particular that nuclear materials are not diverted to nuclear weapons production or to other activities which are in contradiction with the international commitments, and that the environment and public health are not affected. UJD performs inspections in order to ensure fulfilment of a permit issued.

- The State System of Accounting for and Control of Nuclear Materials (SSAC) is based on requirements resulting from the Safeguards Agreement between the IAEA and the Slovak Government. UJD performs this activity on the basis of the "Atomic Act" and a relevant decree. The purpose of the SSAC is, *inter alia*, to prevent unauthorised nuclear materials management, to detect loses of nuclear materials, and to provide information that could lead to recovery of missing material. The regulatory activity in the field of the accounting for and control of nuclear materials also includes review and processing of the reports of any nuclear material inventory change sent to the UJD by nuclear material users, elaboration and submission of advance notifications, special and accountancy reports for the IAEA.

(b) Develop and maintain appropriate effective physical protection measures;

- The physical protection of nuclear facilities and nuclear materials consists of a protection system and a set of technical tools and organisational measures with the objective to prevent unauthorised use of nuclear facilities, nuclear materials, special and sensitive materials and equipment.

- In this field, UJD has streamlined its oversight activities on the control of performance of the AKOBOJE (Automated System of Nuclear Power Plant Security) physical protection system and of the level of performance of the protection regime at Slovakia nuclear power plants.

- In 2003, there were no events of illicit trafficking of nuclear or other radioactive material in Slovakia.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

- **Adoption of a whole range of measures to strengthen border control of sensitive materials, including their physical security with the main emphasis on meeting new requirements connected with Slovakia becoming a member of the EU responsible for actively securing a part of the external border of the Union.**

- **Practical measures are applied at border crossings that include *inter alia*, the employment of carry-on pagers for detection of radioactive substances and a portable x-ray for checking railway carriages for radioactive emissions.**

- **A specialised bureau was set up at Bratislava International Airport by the customs hazardous materials and drug enforcement unit in 2003, and reinforced in 2004 with its staff increased to 13. The responsibilities of the bureau include combat against weapons and hazardous materials trafficking. The bureau's inspection activities target especially flights arriving from sensitive regions. The establishment of a similar bureau is envisaged for the International Airport in Košice.**

- **Keeping up with new trends and experience exchange through participation in training courses and international workshops. In 2004, a three-week training course for customs officers in the United States took place. The focus of the training course was on combat against illegal trafficking of narcotics, weapons and hazardous materials and on detection of nuclear, chemical and toxin (biological) weapons and related materials and technologies. Sixteen customs officers from Slovakia took part in the course.**

- **Conclusion of memoranda on co-operation between the customs authorities and technical research institutes in 2004. The memoranda provide for an important tool in identifying, specifying and categorising of various potential dual-use commodities.**

- **European Community Customs Code (EC 2913/92). Powers to examine goods and take samples for the purpose of verifying customs declaration.**

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

- **Rules for export, import, transfer and brokering activities for trading in sensitive goods stipulated in the following enactments: Act 26/2002 laying down the conditions for control of imports, exports and brokering activities relating to goods and technologies subject to international control regimes, Act 179/1998 on trading in military materials, EC dual-use items Regulation (EC) 1334/2000, Community Customs Code (EC Regulation 2913/92).**

- **A number of penalties for violation of export prohibitions and restrictions with regard to sensitive items are in place. Penalties vary depending on the gravity of offence. They may include a fine of up to 10 000 000 SKK, forfeiture of controlled goods and even imprisonment of up to eight years.**

OP5

Decides that none of the obligations set forth in this regulation shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non- Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the

responsibilities of the International Atomic Energy Agency or the Organisation for the Prohibition of Chemical Weapons

- **Slovakia is a party to all major multilateral non-proliferation instruments: the NPT, the CWC, the BWC and the CTBT, and actively observes responsibilities stemming out from membership in the IAEA and the OPCW. Slovakia supports further strengthening of the implementation of the BWC by the State Parties.**

- **Slovakia supports implementation of the conclusions of the 2000 NPT RC and submits annual declarations called for in the 2000 Final Document. Slovakia has been active within the framework of the CTBT, especially through hosting of on-site inspections preparation activities.**

OP6

Recognises the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

- **Meeting in full the requirements arising from Slovakia's membership in the export control regimes (AG, WA, NSG), including the implementation of control lists maintained by the regimes.**

- **Actively seeking membership in the MTCR whose guidelines Slovakia undertook to apply on a voluntary basis.**

- **Preparation of the publication of a national list of military material which will be fully compatible with the EU list.**

OP7

Recognises that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

- **At present, the Slovak authorities encounter no substantial difficulties with implementing the provisions of UNSC resolution 1540 (2004).**

- **We are prepared to consider any specific request from States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the provisions of the resolution.**

- **Up to now, the main bulk of our assistance activities in the field of non-proliferation have been provided through relevant international institutions such as the IAEA and the OPCW. These activities have also included our regular participation in the IAEA regional technical project dedicated to assist Member States in combating the illicit trafficking of nuclear and other radioactive materials. In the chemical field, we have been active in organising of various international training courses under the auspices of the OPCW.**

OP8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, chemical or biological weapons;

- EU Common Position (2003) on the universalisation of the main multilateral non-proliferation agreements: CWC, BWC, NPT.
- IAEA Additional Protocols as a condition of supply: EU lobbying for universalisation of CSA and Additional Protocol.
- Model "non-proliferation clause" to be introduced in EU mixed agreements with third countries.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

- Act 26/2002 laying down the conditions for control of imports, exports and brokering activities relating to goods and technologies subject to international control regimes.
- Act 179/1998 on trading in military materials.
- Act 129/1998 on the prohibition of chemical weapons.
- Act 130/1998 on peaceful uses of nuclear Energy ("Atomic Act").
- Legislative steps underway to establish a national BWC implementation office.
- Planned preparation of a new act replacing Act 26/2002 in order to reflect new legislative conditions after Slovakia's entry into the EU.

(c) To renew and fulfil their commitment to multilateral co-operation, in particular within the framework of the International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international co-operation for peaceful purposes;

- Slovakia provides full support for the IAEA whose mandate we consider to be of central importance in attaining non-proliferation goals. The continued commitment to the Agency has also been reflected in Slovakia's repeated election to the Board of Governors.
- Slovakia continues to support the aims and activities of the OPCW, both as an active state party and a member of the Executive Council. Our commitment has been shown especially in organizing of various international training courses under the auspices of the OPCW.
- Conclusion of the Agreement between the Slovak Republic and the OPCW on the Privileges and Immunities of the OPCW.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

- Relationship with industry through individual consultations.
- Continued development of measures seeking promotion of more action-oriented approach to industry and the public.
- Information dissemination via Slovak Government websites and publications.
- Where feasible, conclusion of MOU's between relevant state agencies and representatives of industry.
- EU Strategy against proliferation of WMD.

OP9

Calls upon all States to promote dialogue and co-operation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical or biological weapons, and their means of delivery;

- Slovakia actively participates in dialogue and co-operation on non-proliferation, both within the EU and wider multilateral fora.

OP10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take co-operative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

- Support to the Proliferation Security Initiative (PSI). Currently examining national capacities for more active involvement.

United Nations S/AC.44/2004/(02)/65

Security Council

Distr.: General
26 November 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 1 November 2004 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Saudi Arabia to the United Nations presents its compliments to the Chairman of the Committee and, with reference to his note dated 21 June 2004, requesting a report from Member States on steps they have taken or intend to take to implement Security Council resolution 1540 (2004), has the honour to submit herewith the enclosed report of the Government of the Kingdom of Saudi Arabia (see annex).

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Annex to the note verbale dated 1 November 2004 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the Chairman of the Committee

[Original: Arabic]

First report of Saudi Arabia to the Security Council Committee established pursuant to resolution 1540 (2004)

This report has been prepared in accordance with paragraph 4 of resolution 1540 (2004) for submission to the Security Council Committee established pursuant to rule 28 of the Council's provisional rules of procedure.

1. Saudi Arabia, which is aware of the devastating effects associated with the production and use of weapons of mass destruction and their means of delivery, whether by States or by non-State actors, is convinced that the proliferation of such weapons and their means of delivery constitutes a threat to international peace and security. Saudi Arabia has repeatedly called, and calls once again, for an end to the production, use, possession, transport and stockpiling of these weapons, given their devastating effects at the national, regional and international levels.

2. At the international level, Saudi Arabia's commitment to non-proliferation prompted it to its accede to the major treaties and conventions on nuclear, biological and chemical weapons of mass destruction; to the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare; and to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and on the Ocean Floor and in the Subsoil Thereof. This is the official position of Saudi Arabia, which is playing an active role in efforts to combat the proliferation of weapons of mass destruction. Saudi Arabia would, in fact, like to see weapons of mass destruction totally eliminated, in order to safeguard international peace and security. It has, moreover, supported the relevant United Nations resolutions on non-proliferation of weapons of mass destruction adopted each year by the General Assembly, such as resolution 58/46, "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons"; resolution 58/47, "Reducing nuclear danger"; resolution 58/56, "Nuclear disarmament"; resolution 58/48, "Measures to prevent terrorists from acquiring weapons of mass destruction"; and resolution 58/59, "A path to the total elimination of nuclear weapons".

3. At the regional level, Saudi Arabia has consistently supported efforts to eliminate all weapons of mass destruction from the Middle East, as done in other regions, which have thus achieved stability and peace. It has supported the relevant General Assembly resolutions, such as resolution 58/34, "Establishment of a nuclear-weapon-free zone in the region of the Middle East"; and resolution 58/68, "The risk of nuclear proliferation in the Middle East". Saudi Arabia has also been taking part in the meetings of the committee entrusted with drafting a treaty on the establishment in the Middle East of a zone free of weapons of mass destruction, since it was set up in 1994.

4. In order to combat the proliferation of weapons of mass destruction and their means of delivery, Saudi Arabia has taken a number of steps and adopted legislation

to implement the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. These measures prohibit the development, production, use, possession, stockpiling, retention and transport, directly or indirectly, of chemical weapons, and impose appropriate penalties, such as imprisonment and fines, on those who violate the Convention. In accordance with the Convention, these measures have also been adopted with a view to regulating the chemicals referred to in the three schedules set out in an annex to the Convention. Saudi Arabia has, moreover, initiated contact with the International Atomic Energy Agency (IAEA) in order to negotiate the conclusion of a Small Quantities Protocol to be annexed to a Comprehensive Safeguards Agreement, in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons. With respect to the Biological Weapons Convention, Saudi Arabia participates regularly in the meetings of the ad hoc group of States parties to the Convention responsible for ensuring implementation of all aspects of the Convention and monitoring the strengthening of measures to combat proliferation of weapons of mass destruction. Saudi Arabia also participates in the Conference of States Parties. In both cases, Saudi Arabia has submitted working papers giving a full listing of the measures taken in implementation of the Convention.

5. Saudi Arabia, as a State party to the Treaty on the Non-Proliferation of Nuclear Weapons and as an active member of the IAEA Board of Governors, wishes to stress that it attaches great importance to strengthening the provisions of the Convention, as well as the role of IAEA in the area of non-proliferation of nuclear weapons, including the total elimination of such weapons, so that international peace and security can be achieved. Saudi Arabia attaches particular importance to measures to monitor movements of nuclear material and its use, and to the role played by the International Nuclear Safety Advisory Group.

6. The competent Saudi Arabian authorities have also taken measures to monitor the entry of chemicals and radioactive materials at border crossing points. No such materials may be brought into the country without prior authorization by the competent authority. Saudi Arabia is developing a comprehensive national system to provide protection from ionizing radiation, to supplement the procedures already in place, and is also standardizing joint efforts so as to be able to deal appropriately with the threats posed by radiation sources and to ensure safety in that area.

7. The proliferation of weapons of mass destruction is an extremely serious matter, since such weapons could fall into the hands of non-State actors and could be used by terrorist groups, among others. In the context of the introduction of special measures for monitoring nuclear and radioactive materials, and of efforts to combat illicit trade in such materials, Saudi Arabia is taking steps to strengthen mechanisms for monitoring the transport of radioactive, nuclear and other dangerous materials, and for detecting smuggling of such materials, at border crossing points.

United Nations S/AC.44/2004/(02)/66

Security Council

Distr.: General
24 November 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 October 2004 from the Permanent Mission of Azerbaijan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Azerbaijan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to submit the national report of the Government of the Republic of Azerbaijan pursuant to resolution 1540 (2004) (see annex).

Annex to the note verbale dated 28 October 2004 from the Permanent Mission of Azerbaijan to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

Report of the Republic of Azerbaijan submitted pursuant to Security Council resolution 1540 (2004)

> ***"The Security Council ...***
>
> **2. *Decides* also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them."**

In the relevant reports (S/2001/1325, S/2002/1022, S/2003/1085), Azerbaijan provided the Counter-Terrorism Committee with information on its national laws and regulations on combating terrorism.

Articles 206.2-206.4 of the Criminal Code of Azerbaijan envisage criminal penalties in the form of 3 to 12 years' imprisonment for violating customs regulations and for the smuggling of radioactive and explosive substances and equipment, weapons, military hardware, nuclear, chemical, biological and other types of weapons of mass destruction, as well as materials and equipment used in the manufacture of such weapons.

Article 226 of the Criminal Code envisages penalties for illegal handling of radioactive materials, their acquisition, storage, use, sale and transfer. Article 227 concerns the theft or extortion of radioactive materials.

Articles 228-332 and 250 establish criminal liability for the illegal acquisition, manufacture, sale, transfer, storage and transport, as well as negligent handling of weapons, ammunition, explosive substances and devices.

Under Presidential Decree No. 637 of 4 October 1997 on establishing a list of activities requiring special authorization (licensing), the manufacture and repair of war materiel, including all types of weapons and ammunition, military equipment and components, are carried out on the basis of licences issued by the Ministry of Defence.

> ***"The Security Council ...***
>
> **3. *Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate control over related materials and to this end shall:**
>
> **(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;**

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations."

Questions of control over radioactive materials and equipment are regulated by a number of legal and regulatory provisions. Thus, under Cabinet of Ministers Decree No. 42 of 12 April 2004 on the issuance of special permits, the State Committee for the Control of Security in Industry and Mines, together with the law enforcement bodies, monitor the use, storage and protection of radioactive materials and equipment.

Questions associated with transactions involving weapons or radioactive materials are regulated by a Presidential Decree of 2 September 2002 establishing regulations on the issuance of licences for various types of activity, and by the list of activities requiring licences and of the executive bodies responsible for issuing them.

Under paragraph 7.1 of the regulations on import and export transactions in Azerbaijan, approved by Presidential Decree No. 609 of 24 June 1997 concerning the further liberalization of foreign trade in the Republic of Azerbaijan, the import and export of weapons and military materiel, and components necessary for their production, explosive substances, equipment and pyrotechnic devices, nuclear materials, technology, equipment and installations, special non-nuclear materials, and radioactive materials, including nuclear waste, are carried out exclusively on the basis of decisions of the Cabinet of Ministers.

Licences are issued in accordance with the following procedure: applications for a licence to export a particular type of product must be submitted to the Cabinet of Ministers, which in turn transmits them for verification to the relevant ministries and State structures. Generally these applications are checked by the Ministry of Defence, the Ministry of National Security, the Ministry of the Interior, the Ministry of Health, and the State Committee for Control of Security in Industry and Mines, the Ministry of the Environment and Natural Resources, the Academy of Sciences, research institutes and other State institutions. A licence may be issued by the Cabinet of Ministers only after receiving a positive response from those bodies.

A weapon of any kind may be imported into Azerbaijan only if the supplier is a State organization authorized to conduct such transactions. Weapons may be imported by enterprises authorized to manufacture, sell or acquire them only after they have been certified and the relevant information has been entered into the

Register. Imported weapons and ammunition must bear a stamp and must be marked in accordance with the relevant standards. Any kind of weapon produced in Azerbaijan, or imported into the Republic, must be certified. If there is no agreement with the manufacturing State on reciprocal recognition of certification, weapons imported into Azerbaijan must be certified on the basis of an application submitted by the manufacturer of the imported weapon.

The State Centre for Standardization and Metrology issues certificates showing that the certification requirements for weapons have been met. The certificate grants the right to conduct legitimate weapons transactions in Azerbaijani territory.

The transport of service or civilian weapons or ammunition by individuals across the customs borders requires the authorization of the competent bodies in accordance with the Act on service and civilian weapons and the Regulations on the import and export of service and civilian weapons into and from Azerbaijan. The Cabinet of Ministers, together with the Ministry of the Interior, thoroughly studies each such request before granting authorization.

In addition, the State Customs Committee and the State Border Service carry out a variety of measures to combat illegal trafficking in weapons of mass destruction and monitor the non-proliferation of nuclear weapons.

At the present time the *Milli Mejhlis* (Parliament) of Azerbaijan is reviewing a draft export control law. At the time of the submission of this report, the draft law had been approved in its third reading.

> ***"The Security Council ...***
>
> **6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists."**

Azerbaijan does not produce, store, import or export nuclear, chemical, bacteriological or any other weapons of mass destruction.

All weapons in Azerbaijan are registered in the national Register (see above).

> ***"The Security Council ...***
>
> **8. *Calls upon* all States:**
>
> **(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;**
>
> **(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;**
>
> **(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxic Weapons Convention, as important means of pursuing and achieving their common objectives in the area of**

non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws."

In the sphere of control over weapons of mass destruction, Azerbaijan is a party to the following international legal instruments and agreements:

- Treaty on the Non-Proliferation of Nuclear Weapons, of 1968 (Act of the Republic of Azerbaijan No. 254 of 4 August 1992);
- Agreement between the Republic of Azerbaijan and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons and the Additional Protocol thereto, signed at Vienna on 6 November 1998 (Act No. 629-10 of 23 March 1999);
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, of 1992 (Act No. 735-10 of 9 November 1999);
- Comprehensive Nuclear-Test-Ban Treaty (1996) (Act No. 551-10 of 1 December 1998);
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on Their Destruction, of 1972 (Act No. 532-11 of 5 December 2003).

Among the national acts, the following instruments should be noted:

- State Act of the Republic of Azerbaijan of 30 December 1997 on radiation security of the population.
- Decree of the Cabinet of Ministers of 11 July 1997 on measures to strengthen the monitoring of radiation security in the territory of Azerbaijan;
- Decree of the Cabinet of Ministers of 10 March 1998 on licensing regulations for explosive substances and equipment, radioactive and ionizing sources, the use of equipment and industrial storage.

Azerbaijan is cooperating closely with IAEA and in the course of talks between Azerbaijan and the Agency agreement was reached on undertaking four projects in the framework of the Technical Cooperation Programme for 2003-2004:

1. Project on issues of controlling illicit trafficking in nuclear materials;
2. Project on improving methods for radiological treatment in the field of oncology;
3. Project on radiation monitoring issues;
4. Project on including Azerbaijan in the information system for the peaceful use of nuclear energy.

On 26-30 November 2002, with the support and participation of IAEA and within the framework of a project on training in the physical protection of nuclear materials, the first national training courses on the subject of controlling illicit trafficking in nuclear and radioactive materials were held.

In the framework of cooperation with IAEA, the customs posts in the town of Astara and at the ferry crossing (in Baku) are being fitted out with modern equipment. Azerbaijan has received the appropriate radiation monitoring devices.

A seminar on the implementation of the Comprehensive Nuclear-Test-Ban Treaty and the development of national potential in this sphere, held from 4-6 June 2002 in Baku with the participation of representatives from various State structures (Cabinet of Ministers, Ministry of Foreign Affairs, Ministry of National Security, Ministry of Defence, Ministry of Communications, Ministry of Justice and Academy of Sciences), was an important step in strengthening relations with the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO).

An international seminar for the countries of Central Asia and the Caucasus was held from 25-27 March 2003 in Baku with the support of CTBTO. The aim of the seminar was to facilitate the process of ratification of the Comprehensive Nuclear-Test-Ban Treaty in the parliaments of countries that were signatories to the Treaty, and also to help participating countries carry out their obligations arising from the Treaty.

> ***"The Security Council ...***
>
> **9. *Calls upon* all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery."**

Azerbaijan supports the idea of arms control and disarmament as the key element for further strengthening the international security system. Azerbaijan's fundamental position on the issue of weapons of mass destruction is one of consistent support for a complete and comprehensive ban.

Despite the absence of nuclear weapons, facilities and materials in Azerbaijan, cooperation with the appropriate international organizations and structures is of great interest to the Republic. The presence of nuclear technology in the South Caucasus region gives rise to the need for continuous monitoring of the situation in view of the threats of proliferation of these technologies.

Azerbaijan attaches great importance to the Treaty on the Non-Proliferation of Nuclear Weapons. As mentioned above, Azerbaijan ratified the Treaty and actively supported its unlimited extension in 1995. In order to participate actively in the overall nuclear security process, and sharing the concern of the international community, Azerbaijan was one of the first to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty and at the present time it is developing its activities in the framework of that Treaty.

> ***"The Security Council ...***
>
> **10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials."**

Azerbaijan, which believes that a total ban on nuclear weapons is the ultimate aim of nuclear disarmament, advocates the reduction of nuclear arsenals, and prevention of the proliferation of weapons of mass destruction, their means of delivery and nuclear technologies. In view of its location in an unstable region, Azerbaijan is taking all necessary measures, including establishing the necessary legislative base, for preventing the proliferation through its territory of components of weapons of mass destruction, nuclear technologies and materials, and means of delivery.

At the present time Azerbaijan is working to upgrade and improve the radiation infrastructure and harmonize its national legislation with international standards.

One of the components of Azerbaijan's long-term strategy in the area of nuclear security is the establishment of a non-nuclear zone in the Southern Caucasus. Given that the Southern Caucasus is a particularly sensitive zone from the point of view of nuclear security, at a conference organized in September 1997 in Tashkent entitled "Central Asia — a nuclear-weapon-free zone" Azerbaijan put forward a proposal to create a non-nuclear zone in the Southern Caucasus. The establishment of such a zone would make an important contribution to strengthening security at the regional and international levels.

Unfortunately, the conflict with neighbouring Armenia, which has continued for over 30 years, is a serious problem for Azerbaijan in relation to control of weapons of mass destruction and their components. As a result of the conflict, a significant portion of Azerbaijan's territory is under occupation. Illegal economic activities and illicit trafficking in narcotics and weapons are taking place in the occupied territories. It is precisely unresolved regional conflicts, and territories beyond the control of central governments which have appeared as a result of such conflicts, that constitute breeding grounds for terrorism and illicit narcotics and weapons trafficking. The settlement of conflicts on the basis of strict observance of the principles and norms of international law, in particular of territorial integrity and State sovereignty, will restore these zones of instability into areas where the rule of law prevails, thereby allowing for the operation of an effective system of monitoring of non-proliferation.

United Nations S/AC.44/2004/(02)/67

Security Council

Distr.: General
24 November 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 3 November 2004 from the Permanent Representative of Paraguay to the United Nations addressed to the Chairman of the Committee

I have the honour to write to you in order to transmit herewith the report of the Republic of Paraguay in accordance with the provisions of Security Council resolution 1540 (2004) (see annex).

(*Signed*) Eladio Loizaga
Ambassador
Permanent Representative

Annex to the letter dated 3 November 2004 from the Permanent Representative of Paraguay to the United Nations addressed to the Chairman of the Committee

[Original: Spanish]

Report of the Republic of Paraguay on Security Council resolution 1540 (2004)

Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Reply

The Paraguayan State, which faithfully honours its commitments and obligations with regard to international security, does not provide and has not provided any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons.

Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

Reply

The Government of Paraguay has always engaged in international cooperation to promote global disarmament, as evidenced by its accession to a number of basic international instruments and agreements in that field. Apart from having absolutely no weapons of mass destruction and lacking the capacity and infrastructure to manufacture them, it is fully cognizant of the serious threat that would be created should such materials fall into the hands of terrorists.

Accordingly, it has thus far ratified the following international treaties and incorporated them into its national legal order:

Nuclear weapons and materials

- Statute of the International Atomic Energy Agency (IAEA) — Act No. 467 of 12 September 1957
- Amendment to Article VI of the Statute of the International Atomic Energy Agency (IAEA) — Act No. 376 of 13 December 1972

- **Amendment to Article VI, subparagraph A-2, of the Statute of the International Atomic Energy Agency (IAEA) — Act No. 810 of 18 July 1962**
- **Treaty on the Non-Proliferation of Nuclear Weapons — Act No. 157 of 9 December 1969**
- **Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. Additional Protocols I and II of the Treaty (Treaty of Tlatelolco) — Act No. 62 of 18 December 1968**
- **First Amendment to the Treaty of Tlatelolco — Act No. 902 of 26 June 1996**
- **Second Amendment to the Treaty of Tlatelolco — Act No. 902 of 26 June 1996**
- **Amendments to the Treaty of Tlatelolco — Act No. 902 of 26 June 1996**
- **Agreement between the Republic of Paraguay and the [International Atomic Energy] Agency for the Application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and the Treaty on the Non-Proliferation of Nuclear Weapons and its Protocols — Act No. 715 of 7 November 1978**
- **Convention on Privileges and Immunities of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) — Act No. 1073 of 7 July 1997**
- **Comprehensive Nuclear-Test-Ban Treaty — Act No. 1749 of 23 August 2001**

Biological weapons

- **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction** — Act No. 558 of 17 December 1975

Chemical weapons

- **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction** — Act No. 406 of 21 October 1994

Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

Reply

Paraguay has no factories that manufacture weapons of mass destruction. The General Customs Directorate is the authority in charge of ensuring that any related materials entering the country are in compliance with the relevant control standards.

The 1992 Paraguayan Constitution currently in force, in article 8, provides that: "... The manufacture, assembly, import, sale, possession or use of nuclear, chemical or biological weapons is prohibited ..."

(b) Develop and maintain appropriate effective physical protection measures;

Reply

With regard to this provision, by Act No. 1086 of 21 November 1984, the Convention on the Physical Protection of Nuclear Materials was ratified and adopted.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

Reply

With regard to nuclear materials, Paraguay recently joined the IAEA programme on illicit traffic in radioactive materials and sources. Participation in the programme implied a country's willingness to provide information to the IAEA database on illicit trafficking in radioactive materials in its territory, as well as any other pertinent information that may be requested. Radioactive materials can be classified as follows:

- Nuclear material, including uranium, plutonium and thorium;
- Other radioactive materials, including sealed sources of radioactive material;
- Other material, including radioactively contaminated material;
- In connection with the preparatory phase of this programme, Paraguay hosted a regional seminar in October 2003 entitled Handling, Detection and Control of Radioactive Sources in Border Areas with a view to training front-line officials — mainly customs agents — to familiarize themselves with the instruments of detection, some of which were donated by IAEA.

Recently, another seminar was held on this topic in Paraguay. Conducted by the national authority for the application of IAEA safeguards, namely, the National Atomic Energy Commission (CNEA), it was designed to train all national officials who may be stationed at inspection posts. Full implementation of the IAEA programme is contingent on IAEA approval of the project entitled "Establishment of a Regional System to Detect and Combat Illicit Trafficking in Nuclear and Radioactive Materials", elaborated and presented by CNEA.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and

enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Reply

Given the geographic situation of Paraguay, which has long stretches of penetrable borders in common with neighbouring countries, border control and the proper implementation of current legislation in order to guarantee the use of nuclear, chemical and biological material for peaceful purposes are extremely difficult.

Additional regulatory legislation in force includes:

- Act No. 406 of 21 October 1994, adopting the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted in Paris, France, on 13 January 1993
- Decree No. 9892 of 3 August 2000 establishing the National Authority for the Prohibition of Chemical Weapons
- Decree No. 21919 of 11 August 2003 establishing the Chemical Safety Commission.

Furthermore, as monitoring the movement of goods into and out of the country is a function of the customs authority, the General Customs Directorate under the Ministry of Finance is responsible for setting up specific mechanisms to successfully combat illicit trafficking. It has inspection areas at the borders, where border control personnel from various organs monitor activities, using administrative and operational procedures that are similar and compatible.

Use of the SOFIA online system simplifies and facilitates procedures for inspecting goods by rapidly and accurately applying the customs legislation in force as well as the regulations governing the import of goods subject to inspection, including ionizing energy and radioactive sources, the transit of firearms, gunpowder, explosives, ammunition and any other related materials.

With regard to nuclear material, the National Atomic Energy Commission (CNEA) provides assistance by issuing certificates to authorize the transport (import/export) of radioactive materials in accordance with international standards set by the International Atomic Energy Agency.

The Chemical Safety Commission, established in 2003 under the Ministry of Public Health and Social Well-being, is in charge of authorizing the sale of chemical products on the basis of the World Trade Organization tariff classification system (paras. 18, 19 and 31).

Additionally, various efforts are being pursued with a view to improving the administrative effectiveness and management capacity of the General Customs Directorate by centralizing pertinent data in a main server. The availability of statistics on international trade, and of information on combating illicit trafficking, has enabled the Paraguayan customs service to build up intelligence in the area of fraud prevention and control.

It is important to be discerning; a clear distinction must be drawn between immediate, physical and documentary controls and subsequent controls, pinpointing those operations that appear to be in violation of established norms.

Another procedure known as "Red Channel" is applied to certain import products considered to be sensitive.

A form (*"sufijo de valor"*) designed to optimize the functioning of the Integrated Control System must also be completed; the additional information obtained through this procedure should result in a more precise description of the goods to be declared.

In this connection, the structural and institutional difficulties hampering full implementation of domestic and international legal norms are summarized below:

- Lack of personnel trained in customs and border control;
- Lack of implementing legislation;
- Lack of knowledge of legal norms;
- Lack of early warning systems;
- Lack of local laboratories to analyse samples;
- Reliability of documentation submitted by importers (technical contraband);
- Lack of technical and financial resources.

Currently, the General Customs Directorate is in the process of elaborating a databank on hazardous goods warning systems for the Common Market of the Southern Cone (MERCOSUR).

In view of the geographical situation of Paraguay, which shares large stretches of penetrable borders with neighbouring countries, the country faces significant border control challenges, and considerable economic and financial resources are needed to deal with them. The difficulty in obtaining these resources makes it harder to acquire the necessary means and materials to ensure full control.

Despite budgetary, logistical and salary constraints at the institutional level, however, the Paraguayan Customs Office is committed to becoming a more efficient and modern institution, on the assumption that the new Customs Code will endow it with greater autonomy and its own resources to help it achieve the major objectives assigned to it.

Paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

Reply

With a view to implementing this resolution, Paraguay will make the necessary efforts to develop the relevant national control lists.

Paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific

requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

Reply

Unfortunately, the Government of Paraguay does not have the financial and material wherewithal to provide assistance to other countries. The resources it has are barely sufficient to meet its own national commitments.

Paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Reply

With a view to maintaining its cooperation at the global level, Paraguay is in the process of ratifying the following instruments:

- Additional Protocol to the Agreement between the Republic of Paraguay and the Agency for the Application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Treaty on the Non-Proliferation of Nuclear Weapons and its Protocol — Act No. 2399 of 27 June 2004 (Instrument must be deposited for ratification.)
- Agreement between Paraguay and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization on activities relating to International Monitoring System facilities under the Comprehensive Nuclear-Test-Ban Treaty, including activities subsequent to ratification — signed on 4 April 2003

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

Reply

The National Constitution of Paraguay, in its article 8, establishes "the prohibition of the manufacture, assembly, import, sale, possession or use of nuclear, chemical or biological weapons as well as of the entry of toxic waste into the country.

Furthermore, as mentioned above, Paraguay has incorporated the provisions of the main multilateral disarmament treaties into its legal order and they bolster its domestic legislation. In this connection, the following domestic norms should be mentioned:

Act No. 1177/97 "Penal Code" — Chapter II: "Punishable Acts against the Security of Persons in Collective Risk Situations", which, in its article 209, makes express reference to the unauthorized sale and use of chemical substances.

Act No. 1773/85 "Customs Code" — Article 10 "Prohibited Traffic" and article 22 on "Procedure applicable to goods obtained through illicit trafficking". It should be noted that, in January 2005, a new Customs Code will enter into force and will incorporate the following provisions: Article 244, on "Goods obtained through prohibited trafficking", article 245 on the "Effective term of restrictions" and article 248 on "Regulatory norms on prohibitions and restrictions".

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Reply

Since 1996, Paraguay has been carrying out the following vital technical cooperation projects with IAEA, including the National Regulatory Control and Occupational Radiation Protection Programme and the Development of Technical Capacities for a Sustainable Infrastructure in Radiological Safety and Radioactive Waste Safety Programme, with a view to improving national infrastructure for radiation protection.

The effectiveness and efficiency of radiation protection infrastructure in Paraguay was also evaluated by an IAEA Peer Review Mission as part of the National Regulatory Control and Programmes Occupational Radiation Protection Programme. The experts who carried out the evaluation congratulated Paraguay on its successful improvement of national radiation protection infrastructure.

This is also an integral part of the Comprehensive Nuclear-Test-Ban Treaty whose objective is the prohibition of nuclear testing and other explosions all over the world. Bearing in mind that the Treaty has not yet entered into force, the Preparatory Commission for the Comprehensive Test-Ban Treaty Organization was established. It is tasked with the implementation of a universal monitoring system, provided for in the Treaty (International Monitoring System), which is to become operational when the Treaty enters into force.

This global network will consist of 321 monitoring stations and will be set up and launched by the States parties hosting International Monitoring System facilities. It will cooperate with the provisional Technical Secretariat to establish, start up, improve, finance and maintain the facilities. The data from the stations will be instantaneously transmitted to the International Data Centre established in Vienna, where they will be analysed and evaluated. Paraguay will participate in the International Monitoring System by establishing two monitoring stations in its territory — one seismic and the other infrasonic.

Lastly, and very importantly, in response to repeated expressions of concern by IAEA at the quasi-duplication and overlapping of the legal norms contained in the National Atomic Energy Commission's organizational charter and the Health Code, and the resultant need for Paraguay to establish a single national regulatory authority over radioactive, radiological and ionizing elements, by Decree of the President of the Republic of 20 September 2004, an inter-agency working group was set up to formulate proposals for the establishment of such a single Authority.

To this end, the Decree sets a deadline of 20 November for submitting specific proposals to the Paraguayan executive branch and the National Congress regarding the amendment or derogation of existing legal norms in this area and, accordingly, the establishment of a single national regulatory authority over radioactive, radiological and ionizing elements, independent of users, suppliers, technical services and proponents of nuclear applications.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Reply

The Paraguayan Civil Service has been conducting training workshops to familiarize civil servants who will be responsible for exercising these functions.

Paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

Reply

Paraguay has participated in regional cooperation within the framework of the Organization of American States. In this connection, the first inhabited weapons-free zone on the planet was established in Latin America and the Caribbean under the Treaty of Tlatelolco. This Treaty and OPANAL are among the most important contributions our region has made to international and regional peace and security, especially its pioneering efforts in the field of disarmament and nuclear non-proliferation.

Additional Protocols I and II to the Treaty, to which Paraguay is a fully fledged party, guarantee, respectively, the denuclearized status of the Latin American territories which are, de jure or de facto, under the control of extracontinental powers (United States of America, France, the Netherlands, the United Kingdom), and recognition by the nuclear powers (United States of America, France, the Russian Federation, the United Kingdom and China) of the denuclearized status of Latin America and the Caribbean.

Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Reply

MERCOSUR is the appropriate forum for dealing with these issues at the subregional level. In June 2000, its members, aware of the importance of combating all forms of criminal action and of the need to continue the proposal, incorporation into domestic legislation and implementation of new operative measures to combat illicit trafficking in nuclear/radioactive materials, and desiring to contribute to the sustainable development of the region and to determine appropriate monitoring systems for and responses to radiological risk situations, in particular in the border areas, approved accession to the Addendum to the General Plan for Mutual Cooperation and Coordination for Regional Security with regard to Illicit Trafficking in Nuclear/Radioactive Material.

The aim is to establish a mechanism that would provide an "early warning" to MERCOSUR members and associate members of incidents involving both so-called "orphan sources" and nuclear material, especially those deriving from acts of illicit trafficking, as well as a database of such incidents, and to elaborate common procedures for guaranteeing proper coordination among the intervening authorities of each member and associate member.

MERCOSUR is also contemplating the formation of an efficient network among its members for the exchange of information, and to coordinating the detection of and responses to the presence of orphan sources and/or radioactive materials, as well as human resource training in the field.

The Paraguayan Government intends to give priority to the ad hoc working group on training established under the above-mentioned Plan of Work when it assumes the Chairmanship of the MERCOSUR regional forum in January 2005.

United Nations

S/AC.44/2004/(02)/68

Security Council

Distr.: General
10 December 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 3 November 2004 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Kazakhstan to the United Nations presents its compliments to the Chairman of the Committee and, with reference to the latter's note verbale dated 21 June 2004, has the honour to transmit herewith the first report of the Government of the Republic of Kazakhstan in accordance with paragraph 4 of Security Council resolution 1540 (2004) (see annex).

Annex to the note verbale dated 3 November 2004 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

Report by Kazakhstan on measures taken to implement Security Council resolution 1540 (2004)

This report was prepared in conformity with paragraph 4 of Security Council resolution 1540 (2004) for submission to the Security Council Committee established in accordance with rule 28 of the Council's provisional rules of procedure and pursuant to the aforementioned resolution.

Paragraph 1

Kazakhstan affirms its resolve actively to combat the proliferation of weapons of mass destruction in all its aspects and to support measures by the international community to combat the proliferation of weapons of mass destruction using all available forces and means.

Kazakhstan's policies on disarmament and non-proliferation of weapons of mass destruction are determined in accordance with its foreign policy, which is based on its commitment to strengthening international security, developing cooperation among States and increasing the role of international organizations in resolving global problems and conflicts.

Since gaining independence, Kazakhstan has taken a number of specific steps that demonstrate its firm intent to strengthen the non-proliferation regime. They include:

- Closing the Semipalatinsk Nuclear Test Site;
- Acceding to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State;
- Removing all nuclear warheads from the territory of Kazakhstan;
- Becoming a party, as a successor State of the former Soviet Union, to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms;
- Becoming a party, as a successor State of the former Soviet Union, to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles;
- Joining the International Atomic Energy Agency (IAEA) and placing all nuclear facilities in the Republic under IAEA safeguards;
- Converting former test-site infrastructure and scientific and technical capacity at former military complexes;
- Signing the Comprehensive Nuclear-Test-Ban Treaty and working actively to modernize seismic stations located in the territory of Kazakhstan that are part of the global monitoring network.

Paragraph 2

Attempts to illicitly transfer weapons, explosive, poisonous or psychotropic substances and radioactive material across the State border are detected, prevented and suppressed, in accordance with article 7 of the Act of the Republic of Kazakhstan "On measures to combat terrorism" of 13 July 1999, as amended by the Act of the Republic of Kazakhstan of 19 February 2002.

Under article 243 of the Criminal Code of the Republic of Kazakhstan of 16 July 1997, the illegal export of technology, scientific and technical data and services that could be used in the production of weapons of mass destruction and their means of delivery and arms and military hardware subject to special export controls is punishable by deprivation of liberty for 3 to 10 years.

Article 250 (Smuggling of items withdrawn from circulation or items with restricted circulation) prohibits the illicit transfer across the State customs border of toxic, poisonous, radioactive or explosive substances, arms, military hardware, explosive devices, firearms and ammunition, nuclear, chemical, biological and other weapons of mass destruction and materials and equipment that could be used in the production of weapons of mass destruction.

Article 247 (Illicit trafficking in radioactive material) contains the following provisions:

"1. The illicit acquisition, storage, transportation, use, destruction or burial of radioactive material shall be punishable by restriction of liberty for up to 2 years or deprivation of liberty for up to 3 years.

2. The illicit sale of radioactive material and the illicit acquisition, storage or transportation of radioactive material for the purpose of selling it shall be punishable by deprivation of liberty for 2 to 6 years.

3. If the acts referred to in paragraphs 1 and 2 of this article result through negligence in the death of a person or other serious consequences, they shall be punishable by deprivation of liberty for 3 to 10 years."

Article 248 (Theft or extortion of radioactive material) provides that:

"1. Theft or extortion of radioactive material shall be punishable by a fine of 700 to 1,000 times the monthly accounting index or 5 to 10 months' wages, or by deprivation of liberty for up to 5 years.

2. If the same acts are committed:

(a) By a group of people by prior agreement;

(b) More than once;

(c) By a person using his or her official position;

(d) With the use of force, but without jeopardizing human life or health, or with the threat of such force;

they shall be punishable by deprivation of liberty for up to 7 years, with or without confiscation of property.

3. If the acts referred to in paragraphs 1 and 2 of this article are committed:

(a) With the use of force, jeopardizing human life or health, or with the threat of such force;

(b) By an organized group;

they shall be punishable by deprivation of liberty for 5 to 10 years, with confiscation of property."

Article 249 (Violation of the rules on radioactive material management) states that:

> "1. Violation of the rules on the possession, use, accounting for, burial and transit of radioactive material and of other rules on radioactive material management, where this could result in the death of a person or other serious consequences, shall be punishable by a fine of 500 to 1,000 times the monthly accounting index or 5 to 10 months' wages, or by short-term rigorous imprisonment for up to 6 months.
>
> 2. If the same act results through negligence in the death of a person or other serious consequences, it shall be punishable by deprivation of liberty for up to 5 years."

Paragraph 3

Control of the trade in nuclear material and equipment, dual-use technology and weapons is an important component of Kazakhstan's policy on non-proliferation of weapons of mass destruction.

At a meeting held in September 2004 under the chairmanship of the Minister for Foreign Affairs, the interdepartmental commission on foreign policy issues of the Security Council of Kazakhstan considered measures to prevent international terrorism and illegal migration and promote international cooperation in the field of export control. It was decided to develop a plan of action for the further enhancement of the Republic's export control system, providing for the introduction of an automated export control system, strengthening of customs controls and in-service training for officials of government agencies involved in export control activities.

The foundations of Kazakhstan's export control system were laid in March 1993 with the adoption of Decision No. 183 of the Cabinet of Ministers of Kazakhstan "On the export and import of nuclear material, technology, equipment and facilities, special non-nuclear material, dual-use equipment, materials and technology, sources of radioactive emanation and isotope products".

The implementation of this text created conditions for the development of effective State controls on activities in the nuclear sphere and the introduction of an automated system of accounting for nuclear material, both within enterprises and at the national level.

The next step was the issuance in March 1995 of a government decision defining categories and lists of goods subject to export controls, including arms, raw materials and supplies for the production of arms, nuclear material, and dual-use goods, technology and equipment that could be used in the production of missile, chemical and bacteriological weapons.

Building on all the previous laws and regulations, in 1997 the President signed the Decree Law "On licensing", establishing the procedure for the issuance of licences for export-import operations and defining the rights and duties of both the licensing body and the applicant.

In August 1999 rules were elaborated on the issuance by the Government of permits for the transit through the territory of Kazakhstan of goods subject to export controls, pursuant to Government Decision No. 1143 "On specific issues relating to the transit of goods subject to export controls".

In December 1999 the State Commission for Export Control was established, in accordance with Government Decision No. 1917 "On the enhancement of the export control system of the Republic of Kazakhstan".

In 1996 Kazakhstan was one of the first countries of the Commonwealth of Independent States (CIS) to adopt an Act "On export controls on arms, military hardware and dual-use goods"; this Act became the cornerstone of the national export regulation system. Pursuant to the Act, a list was drawn up of goods that could not be exported or imported without government authorization. Licensing procedures were approved, as well as a set of safeguards to ensure that exported goods were used only for the purpose stated. A mechanism was developed to monitor compliance with the rules, and responsibility was established for violating them.

The Act was amended and supplemented in 2000 in order to broaden its scope of application. Such concepts as comprehensive and intra-firm monitoring were introduced, and definitions were established of the powers of the President of Kazakhstan, particularly with respect to the imposition and lifting of embargoes on the supply of dual-use goods.

Article 2 of the Act establishes the following principles for the implementation of the State export control policy:

- Compliance with international commitments relating to non-proliferation of weapons of mass destruction, other types of dangerous weapons and their means of delivery;
- Primacy of political interests in the implementation of export controls;
- Verification of the end use of goods subject to export controls within the framework of the non-proliferation regime and in accordance with international commitments;
- Accessibility of information on export control legislation;
- Prevention of access to support for international terrorism;
- Coordination of efforts and cooperation with international organizations and foreign States in the field of export control;
- Conformity of export control procedures and rules with universally recognized international norms and practices.

In article 6 of the Act, lists of goods subject to export controls are established and approved.

They include:

- Conventional arms and military hardware, and raw materials, supplies, special equipment and technology, labour and services relating to their production;
- Nuclear and special non-nuclear material, equipment, facilities and technology, sources of ionizing radiation, isotope products, dual-use equipment and technology, labour and services relating to their production;
- Chemicals and dual-use technology that could be used in the production of chemical weapons, according to the lists established by international non-proliferation regimes;
- Pathogens, genetically modified forms thereof and fragments of genetic material that could be used in the production of bacteriological (biological) and toxin weapons, according to the lists established by international non-proliferation regimes;
- Missile hardware, motors and components thereof, and equipment, materials and technology used in the production of missile hardware, according to the lists established by international non-proliferation regimes;
- Other types of dangerous weapons;
- Scientific and technical data, services and intellectual property relating to military goods and dual-use technology.

In accordance with article 4, the Act is applicable to the export, re-export, import, re-import and transit of the goods referred to in article 6.

According to evaluations by foreign experts, Kazakhstan is a regional leader in terms of its national regulatory framework in the field of export control.

The admission of the Republic to the Nuclear Suppliers Group in May 2002 was an appropriate reflection of its efforts in this area. The purpose of Kazakhstan's participation in the Group is to further intensify measures to combat terrorism, prevent the proliferation of weapons of mass destruction and strengthen controls on the use and transfer of nuclear material and dual-use goods.

Paragraph 6

Since November 2000 Kazakhstan has been using a new list of goods subject to export controls compiled on the basis of the model lists of the European Union and the Russian Federation. In addition to nuclear, biological and chemical material, this list includes sensitive materials that could be used in the production of missile technology, particularly such items as missile hardware and components thereof, and designs and technology for the production of finished missile systems (ballistic missile systems, carrier missiles and research missiles) capable of delivering payloads over distances of 300 kilometres or more, as well as nuclear material.

Paragraph 8

Kazakhstan is a party to the following multilateral international legal instruments:

- Treaty on the Non-Proliferation of Nuclear Weapons (1993);

- Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (1992);
- Agreement between the Republic of Kazakhstan and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (1994);
- Comprehensive Nuclear-Test-Ban Treaty (1996);
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1999).

The first step towards the development of Kazakhstan's future non-proliferation policy was the closure of the Semipalatinsk Nuclear Test Site in 1990, when the Soviet Union was still in existence.

On 23 May 1992 in Lisbon, representatives of Kazakhstan, Belarus, Ukraine, the Russian Federation and the United States of America signed a five-sided Protocol specifying their responsibilities with respect to the implementation of the provisions of the Treaty on the Reduction and Limitation of Strategic Offensive Arms concerning the strategic nuclear forces deployed in the territories of the four republics. The Lisbon Protocol also contained undertakings [by Kazakhstan, Belarus and Ukraine] to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as non-nuclear-weapon States. Thus, Kazakhstan took the historic decision to give up its nuclear legacy; this was to be the young State's most important contribution to the cause of non-proliferation of weapons of mass destruction and strengthening global stability and security.

Kazakhstan was the first party to the Strategic Arms Reduction Treaty to fulfil its commitments under the Lisbon Protocol by eliminating its nuclear potential, the fourth in the world in terms of its destructive power.

Having fulfilled its commitments to eliminate its nuclear arsenal, the Republic took decisive steps to dismantle the nuclear-weapon infrastructure on Kazakh soil and switch former military plants to a peaceful track. With support from a number of foreign countries and from IAEA, a wide-ranging programme was implemented to convert former military and research infrastructure, covering both specialists formerly employed in Soviet nuclear military programmes and the test-site infrastructure itself.

Kazakhstan strictly abides by its commitments under the Treaty on the Non-Proliferation of Nuclear Weapons and considers that the Treaty remains a key instrument for nuclear disarmament and prevention of nuclear-weapon proliferation. Kazakhstan supports steady and gradual nuclear disarmament through the fulfilment by all States parties, whether nuclear- or non-nuclear-weapon States, of their commitments under the Treaty. The first stage in this process must be controls on the production of fissile material. In this regard, Kazakhstan believes that it is necessary to initiate, within the Conference on Disarmament, negotiations on the conclusion of a treaty on the prohibition of the production of fissile material for military purposes.

The Republic is taking an active part in negotiations to elaborate a draft treaty on the creation of a nuclear-weapon-free zone in Central Asia.

Kazakhstan is participating in a practical manner in efforts to verify compliance with the Comprehensive Nuclear-Test-Ban Treaty more effectively. There are four seismic tracking stations in its territory capable of locating subterranean phenomena occurring thousands of kilometres away. These stations are used to continuously track natural and man-made seismic activity in the region. The Centre for Processing Special Seismic Data established in Almaty serves as the national data centre for the Comprehensive Nuclear-Test-Ban Treaty Organization. Special seismic data is sent from the stations in real time via satellite communication channels to the national data centre in Almaty and the International Data Centre in Vienna.

The infrastructure of the former nuclear test site at Semipalatinsk is being used to conduct experiments that are of great importance for implementing Treaty-related projects (calibration of equipment for monitoring seismic events). Kazakh specialists are participating fully in international activities in this field.

In September 2004 in Vienna, Kazakhstan signed the Agreement on the Conduct of Activities, including Post-Certification Activities, Relating to International Monitoring Facilities for the Comprehensive Nuclear-Test-Ban Treaty, which provides for the further expansion of our country's activities in implementation of the Treaty and towards the establishment of a global verification regime within the framework of the Treaty.

Kazakhstan attaches great importance to cooperation with IAEA as an international structure that verifies nuclear activities at the global level and thus plays an important role in the cause of non-proliferation of nuclear weapons.

In accordance with the Agreement for the Application of Safeguards, all nuclear facilities in Kazakhstan are under IAEA safeguards and all nuclear activities are conducted in conformity with the Agency's rules and standards.

IAEA regularly conducts inspections at the Republic's nuclear facilities in order to verify and confirm the quantity of nuclear materials and the nuclear activities officially declared by the country.

On 6 February 2004 Kazakhstan signed the Protocol Additional to the Agreement between the Republic of Kazakhstan and the International Atomic Energy Agency for the Application of Safeguards. Preparations for ratification are currently under way. Following the entry into force of the Additional Protocol, it is planned to implement additional measures to strengthen the verification regime for nuclear activities.

Special attention is devoted to increasing the effectiveness of measures to combat illicit trafficking in nuclear and radioactive material. The Republic's export policy complies with all IAEA recommendations on the export and import of nuclear and radioactive material, which, from the very outset, were incorporated in government documents regulating exports and imports.

Kazakhstan plans to incorporate the provisions of the new Code of Conduct on the Safety and Security of Radioactive Sources, approved by the IAEA Governing Council, in its regulatory framework in the near future.

Kazakhstan has signed the following conventions:

- Convention on Nuclear Safety of 19 September 1996;

- Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management of 30 September 1997.

It is currently preparing to sign the following instruments:

- Convention on the Physical Protection of Nuclear Material;
- Convention on Assistance in the Case of Nuclear Accident or Radiological Emergency;
- Convention on Early Notification of a Nuclear Accident;
- Vienna Convention on Civil Liability for Nuclear Damage.

With a view to strengthening further its national export control system, Kazakhstan is considering joining the international nuclear non-proliferation regime, the Zanger Committee, which would be a logical complement to its membership of the Nuclear Suppliers Group.

Recognizing the need to address the new challenges to security and to strengthen measures to combat international terrorism, Kazakhstan has stepped up its efforts to join multilateral non-proliferation regimes. In line with its constructive and consistent non-proliferation policy, Kazakhstan has applied to join the Missile Technology Control Regime and has made significant efforts to meet the membership conditions. Although not officially a member, Kazakhstan supports and complies with the Regime's norms and principles in its export policy.

At the same time, the internal procedures necessary for Kazakhstan to subscribe to the International Code of Conduct against Ballistic Missile Proliferation and for its accession to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects are under way.

Kazakhstan is a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. It has established a national body to implement the Convention's provisions. Representatives of Kazakhstan participate regularly in the meetings and annual sessions of the Conference of States Parties to the Convention.

Kazakhstan is taking an active part in the three-year project of the Organization for the Prohibition of Chemical Weapons (OPCW) on assistance to Central Asian States with building capacity in protection against chemical weapons. For example, an international meeting of States members of OPCW on "Planning the three-year project on assistance to Central Asian States with building national and regional capacity in protection against chemical weapons" was held in Kazakhstan in 2003, while in 2004 an international regional workshop took place in Kazakhstan in the context of the project.

Kazakhstan supports international efforts for the effective implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and intends to contribute further to strengthening the non-proliferation regime for this type of weapon.

Kazakhstan is pursuing the internal procedures necessary for accession to the Biological Weapons Convention.

Kazakhstan is taking consistent and concrete action to prevent and suppress the proliferation of weapons of mass destruction and strengthen international cooperation in this field and is ready to do its utmost to fulfil all the requirements of Security Council resolution 1540 (2004).

United Nations S/AC.44/2004/(02)/69

Security Council

Distr.: General
24 November 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 29 October 2004 from the Permanent Mission of Estonia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Estonia to the United Nations presents its compliments to the secretariat of the Committee, and referring to the note of the Chairman, has the honour to submit herewith the report regarding Security Council resolution 1540 (2004) (see annex).

Annex to the note verbale dated 29 October 2004 from the Permanent Mission of Estonia to the United Nations addressed to the Chairman of the Committee

National report on the implementation of Security Council resolution 1540 (2004)

Republic of Estonia

As Estonia is a member of the EU, reference is made to the EU Common Report that will be transmitted to the Special Committee separately. This EU report covers areas of EU and Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

Estonia is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), as well as the Chemical Weapons Convention (CWC), and the Biological and Toxin Weapons Convention (BTWC). Estonia has also ratified the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

By the end of the year 2004, Estonia will ratify and adopt an Additional Protocol to its IAEA Safeguards Agreement.

Estonia is a member of the following export control regime: Nuclear Suppliers Group (NSG) and the Australia Group. Estonia has also applied to join the Missile Technology Control Regime (MTCR) and Wassenaar Agreement.

Estonia is also a supporter of the Proliferation Security Initiative (PSI).

Operative § 1

Decides that all states shall refrain from providing any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Estonia does not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such support is prohibited under Estonian law.

Operative § 2

Decides also that all States Parties, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

- Penal Code, 2002. Establishes the offence of helping to develop, manufacture, transfer or brokering in nuclear, chemical or biological weapons.

- Strategic Goods Act, 2004 prohibits: the export and transit of weapons of mass destruction, any materials, hardware, software and technology used for the manufacture of weapons of mass destruction, and the export and transit of antipersonnel mines, and services related thereto regardless of their country of destination.

Operative § 3

Decides also that all states shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

a) Develop and maintain appropriate effective measures to account for and secure such items in production, use storage or transport;
and
b) Develop and maintain appropriate effective physical protection measures;

- There is a national register on record keeping of nuclear material.

- Estonia reports about the nuclear material to EURATOM and IAEA.

- By the end of the year 2004, Estonia will ratify and adopt an Additional Protocol to its IAEA Safeguards Agreement.

- Implementation of reporting requirements for all chemicals included in the schedules of the CWC.

c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

- Customs Act, 2004

- European Community Customs Code (EC2913/92)

- Strategic Goods Act, 2004

d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user

controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Main Acts

- The Strategic Good Act entered into force on 5 February 2004. This Act regulates the export of strategic goods and transit thereof through Estonia, the import of military goods, the export of services related to military goods, ensuring control over the import and end-use of strategic goods.

- Penal Code, 2002

- EC Dual-Use Regulation (EC) 1334/2000

- EC Customs Code 2913/92

Secondary legislation

- Processing Terms for Individual Import Licenses, Export Licenses, Transit Permissions, General Export Authorization User Certificates, International Import Certificates, End-Use Certificates and Delivery Verification Certificates for Strategic Goods, Processing Terms and Procedure for State Register of Brokers of Military Goods and List of Documents and Data to be Appended to Requests, Government of the Republic Regulation No. 61 of 9 March 2004.

- Statutes of Strategic Goods Commission Regulation No. 26 of the Government of the Republic of 29 January 2004

- Customs Procedures related to Strategic Goods and Procedure of Intra-Community Transfers, Regulation No. 257 of the Government of the Republic of 22 July 2004.

Operative § 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such list

Estonia wields EU List of Dual Use Goods and considers that no further action is needed.

Operative § 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal regulatory infrastructure, implementation experience and/or resource for fulfilling the above provisions

Estonia recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and Estonia will do its best to assist States, which may require assistance.

Operative § 8

Calls upon all states:

a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

- Estonia has supported and will support in the future all actions taken by EU to promote the universal adoption and full implementation of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons.

b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

- Penal Code, 2002

Estonia believes that we are fully compliant with our commitments under the key non-proliferation treaties.

c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the IAEA, OPCW, BTWC, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

We continue to provide full support for the aims and activities of the IAEA, OPCW and BTWC.

d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Estonian Commission of Strategic Goods (licensing authority) organizes annually Industry-Government Relations Seminars on Strategic Goods. Ministry of Foreign Affairs maintains correspondent Internet website, where legislative acts, guidelines and application forms are posted.

Operative § 9

Calls upon all states to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

Estonia is willing to participate actively in outreach activities within the EU and related regimes.

Operative § 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear related materials;

Estonia cooperates with EU and in the framework of the export control regimes, in which we are members. Estonia has also close bilateral collaboration with some partner countries – USA, Germany, United Kingdom and Nordic Countries.

United Nations S/AC.44/2004/(02)/70

Security Council

Distr.: General
24 November 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 14 October 2004 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Syrian Arab Republic to the United Nations presents its compliments to the Chairman of the Committee and has the honour to transmit herewith the report of the Government of the Syrian Arab Republic on weapons of mass destruction (see annex).

Annex to the note verbale dated 14 October 2004 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Chairman of the Committee

[Original: Arabic]

National report of the Syrian Arab Republic pursuant to Security Council resolution 1540 (2004)

The Government of the Syrian Arab Republic views Security Council resolution 1540 (2004) as a step in the right direction towards safeguarding international peace and security. Inasmuch as the Syrian Arab Republic is a State that neither possesses nor intends to acquire weapons of mass destruction, its Government has undertaken a series of measures and commitments and signed the international instruments on non-proliferation. The Syrian Arab Republic was one of the first countries to sign, by Legislative Decree 169 of 5 August 1969, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Its accession to the Treaty stemmed from its desire to ensure transparency in this field and its conviction that the possession of such destructive weapons by any State in the Middle East or their falling into the hands of some States and not others or of terrorist non-governmental bodies represented an enormous threat and source of anxiety to the peoples of the region and the world. Indeed, it considers the NPT as the indispensable basis for continuing disarmament. The fact that the NPT has a greater number of States parties than any other treaty on the subject is due simply to the belief of those States in its importance for averting the spectre of nuclear war. To demonstrate its good intentions and in the interest of transparency, as early as 1992 the Government of the Syrian Arab Republic signed with the International Atomic Energy Agency (IAEA) a Comprehensive Safeguards Agreement, under which a national system for accounting and monitoring of the movement of nuclear materials was established.

The Government of the Syrian Arab Republic reaffirms its commitment to the international resolutions and instruments and the legislation and procedures in force for exchanging information and ensuring coordination among the activities undertaken at all levels, whether national, subregional, regional or international, for dealing with the nuclear threat. The Government of the Syrian Arab Republic has entrusted the responsibility for implementing Security Council resolution 1540 (2004) to the Syrian Ministry of Foreign Affairs Department of International Organizations and Conferences in coordination with all national authorities concerned in the Syrian Arab Republic, and the required national report has been prepared accordingly.

As a follow-up to earlier initiatives presented by the Syrian Arab Republic to the international community with a view to strengthening and upholding the concept of international peace and security, in April 2003 Syria submitted to the Security Council, in New York, on behalf of the Arab Group, an initiative for ridding the Middle East region of weapons of mass destruction, in particular nuclear weapons. Syria declared before the international community that it would contribute effectively, together with its Arab brothers and the world's other peace-loving countries, towards making the Middle East a zone free of all weapons of mass destruction. Unfortunately, however, international conditions at the time and the positions of certain influential States in the Security Council did not favour the success of that initiative. In December 2003 the Syrian Arab Republic again proposed before the Security Council the same initiative, which but it was met with threats of the use of the veto against it and remained before the Security Council "in blue", awaiting more favourable international conditions for its adoption.

Shortly before the adoption of Security Council resolution 1540 (2004), the Government of the Syrian Arab Republic proceeded to adopt a number of measures for regulating the handling of chemical and biological materials employed in various peaceful applications with a view to preventing their falling into the hands of non-governmental bodies. The competent Syrian authorities established national legislation on the sound management of chemicals and strove to develop all national standards relating to the permissible maximum limits for the concentration of chemical substances in the environment. They also established a timetable for reducing the release of chemicals and hazardous wastes into the environment, work on which is expected to be completed by the end of 2005. As early as 1994 a national centre was established for the purpose of furnishing needed information regarding preventive measures required in connection with the handling of chemical and biological substances used in medicine, industry and agriculture. It should be mentioned that the Syrian Arab Republic signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction in 1972, in addition to being a party to most of the conventions on the management of chemicals and hazardous waste, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (since 1992), the Stockholm Convention on Persistent Organic Pollutants (since 2002) and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (since 2003). All these instruments relate to the prohibition of the production of and trade in chemical substances and hazardous wastes known for their toxic properties, their resistance to decomposition, their biological accumulation, their transboundary movements over considerable distances via the air and water and by various kinds of migration. They form an integrated legal framework for the integral management of chemicals and hazardous wastes. In 2002 the Government of the Syrian Arab Republic implemented the national chemical safety plan, which involved the adoption of an action plan for improving the management of chemical substances in Syria by means of a number of measures, including the following:

- Adoption of a uniform definition and classification of chemicals in common use in Syria for the years 2003 and 2004;
- Establishment of a schedule of chemicals prohibited and restricted in Syria;
- Issuance of a technical guide for the sound management of chemical waste at the beginning of 2003;
- Preparation of inventory lists of hazardous wastes resulting from various activities in mid-2003 to 2006;
- Establishment of a national database on the management of chemicals and a network for information exchange among the relevant organizations, to permit the exchange of data and information.

In 1987 the Syrian Arab Republic, desiring to combat illegal traffic in radioactive substances, established, at all its land, sea and air entry/exit points, specialized border stations to monitor movements of nuclear and radioactive materials in accordance with national rules, legislation and regulations, which have the force of law and are based on the international norms and regulations issued by IAEA, particularly in respect of the system of reporting, registering, licensing and monitoring all radioactive and nuclear materials and equipment arriving in and exiting from the Syrian Arab Republic and used for peaceful purposes.

The competent authorities in the Syrian Arab Republic are now considering the possibility of availing themselves of the provisions of paragraph 7 of Security Council resolution 1540 (2004).

In respect of violators, the Government of the Syrian Arab Republic applies harsh penalties ranging from a term of imprisonment to a monetary fine, the duration or amount of which, respectively, is determined in accordance with national regulations and the rules provided in local legislation, especially with regard to dealing illegally with any and all types of weapons without official licences issued beforehand by the approved governmental agencies. Such licences cover all aspects of such dealing, including import, export, trading, production, distribution, transport, transit, repair, bearing and possession (Act No. 51 of 2001, the Arms Act).

The competent authorities in the Syrian Arab Republic are currently engaged in the development of a special law code that will cover all questions of safety and security of nuclear and radioactive sources. The code is expected to be finalized in the near future.

The Syrian Arab Republic is still of the opinion — within the framework of the final document of the 2000 Review Conference of the Parties to the NPT, wherein the Secretary-General of the United Nations is called upon to follow a specific mechanism reflecting anxiety and concerns over the current situation in the Middle East — that intensive efforts must be made for the establishment and implementation of that mechanism in order to draw the attention of the international community to the fact that Israel is the only country in the region that possesses a nuclear military arsenal, refuses to accede to the NPT and refuses to subject all its installations to international inspection under the IAEA comprehensive safeguards system. Indeed, the existence of those installations outside any international monitoring threatens the region with an environmental disaster as a result of radiation leaks to which they might give rise. Such is the case of the Dimona reactor, as reported by the Israeli media themselves and as stated by Israeli nuclear expert Mordechai Vanunu regarding possible deadly radiation leaks from the Dimona reactor owing to cracks that have occurred in it. This danger has been corroborated by the recent distribution of iodine pills by the competent Israeli authorities to the population resident within 30 kilometres of the Dimona reactor and to hotels overlooking the shores of the Dead Sea.

The Government of the Syrian Arab Republic adheres scrupulously to all its international commitments and agreements regarding such matters and is moving forward with the development and enhancement of its national monitoring and regulation programmes. Syria is participating actively in the review of the Convention on the Physical Protection of Nuclear Materials and strives for continued enhancement of its national legislative frameworks in that field. It has undertaken with IAEA to apply the Code of Conduct on the Safety and Security of

Radioactive Sources, actively contributing, together with the panel of experts, to the establishment of guidelines for the import and export of radioactive sources.

The Government of the Syrian Arab Republic calls upon the international community to take pains to avoid a policy that is selective or based on double standards in questions relating to terrorism and the right of peoples to struggle against foreign occupation and encourages it to look with interest at the legitimate concern and growing apprehensions of the peoples of the region in the face of an Israeli nuclear military capacity that prevents regional and international peace and security from prevailing and undermines the building of a zone free of weapons of mass destruction in the Middle East.

National report issued in October 2004.

United Nations

S/AC.44/2004/(02)/71

Security Council

Distr.: General
10 December 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 5 November 2004 from the Permanent Mission of Thailand to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Thailand to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 1540 (2004) and, with reference to the latter's note dated 21 June 2004, has the honour to transmit herewith the first report of the Royal Thai Government in accordance with paragraph 4 of the resolution (see annex).

04-66564 (E) 100105

Annex to the note verbale dated 5 November 2004 from the Permanent Mission of Thailand to the United Nations addressed to the Chairman of the Committee

Report submitted by Thailand on the implementation of Security Council resolution 1540 (2004)

1. Policy and Commitment on Weapons Non-Proliferation

1.1 Thailand is fully committed to non-proliferation of all types of weapons, both weapons of mass destruction (WMD) and conventional arms. Thailand has a firm policy not to develop, acquire or proliferate any kind of WMD and their delivery system.

1.2 Thailand strongly supports multilateral efforts and agreements on non-proliferation and disarmament to reduce and contain threats from proliferation of WMD and their delivery system. These agreements are effective instruments to prohibit proliferation, possession and manufacture of WMD as States Parties have an obligation to establish their export controls to limit WMD materials to be transferred to the Non-States Parties.

1.3 Thailand has joined all key international treaties and conventions on disarmament and non-proliferation. The status of Thailand is as follows:

(1) Thailand is a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) including the Safeguards Agreement of the International Atomic Energy Agency (IAEA) with a view to signing the Additional Protocol to the IAEA Safeguards Agreement in the near future once domestic procedures have been completed.

(2) Thailand is a State Party to the Chemical Weapons Convention (CWC) and Biological Weapons Convention (BWC) and strongly supports the process of multilateral negotiations for a non-discriminatory legally binding verification protocol to the BWC and CWC.

(3) Thailand is a Signatory State to the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and is in the process of completing its internal process to ratify and become a State Party to the CTBT by 2005.

1.4 In addition, Thailand, together with the other 9 ASEAN member countries, established the Southeast Asia Nuclear-Weapons-Free Zone (SEANWFZ), which entered into force on 27 March 1997. SEANWFZ, as well as all nuclear-weapon-free zones, is a positive contribution to global nuclear non-proliferation and disarmament.

1.5 The Royal Thai Government has strictly complied with all obligations and commitments under these disarmament and non-proliferation treaties and conventions.

2. Implementation of UNSCR 1540

2.1. National Focal Points

The Thai Cabinet endorsed the UNSC Resolution 1540 on 10 August 2004 and instructed relevant authorities to observe the Resolution. The following focal points have been designated to implement the Resolution:

- The Ministry of Defense is the national authority to regulate and control missiles, conventional weapons and related materials;
- The Office of Atoms for Peace is the national authority to regulate and control nuclear and radiological weapons and related materials;
- The Ministry of Industry is the national authority to regulate and control chemical weapons and related materials;
- The Ministry of Public Health is the national authority to regulate and control biological weapons and related materials;
- The Ministry of Commerce is the national authority to regulate and control dual use items.

2.2. Law and Regulations

To comply with its obligations and commitments under the disarmament and non-proliferation treaties and conventions, as well as the Resolution 1540, Thailand has rigorously enacted and enforced several legal instruments as follows:

- The Customs Act (1926)
- The Act Controlling the Exportation of Arms, Armament and War Implements (1952)
- The Atomic Energy for Peace Act (1961)
- Ministerial Regulations, issued under the order of the National Administrative Reform Committee No. 37 (1976)
- The Export and Import Goods Act (1979)
- The Disease Control Act (1980)
- The Munitions of War Control Act (1987)
- The Royal Decree Controlling the Exportation of Arms, Armament and War Implements (1992)
- The Hazardous Substance Act (1992)
- The Amendment to the Anti-Money Laundering Act (1999)
- The Animal Disease Control Act (2001)
- The Pathogens and Toxins Act (2001)
- The Amendment to the Section of 135 of the Penal Code

2.3. National Control Measures

(1) Since 1991, the Ministry of Commerce has issued the "Import Certificate," upon request by exporting country, to ensure that end-users in Thailand do not re-export the imported high-technology products to other countries.

(2) The Ministry of Defence has strictly controlled the import and exports of the munitions and all military weapons in accordance with national laws by licensing import and export permits so that they are not re-transferred or re-exported to other countries.

(3) The Ministry of Industry has strictly controlled the import and export of toxic chemicals, especially those prohibited by the Chemical Weapons Convention, by cautiously scrutinizing the licensing process and inspection measures. In addition, Thailand has also prohibited or controlled other chemicals under Thai domestic laws.

(4) The Office of Atoms for Peace has reviewed and amended its regulations to control import and export of nuclear materials, as well as their domestic use, storage and transfer in order to ensure security and safety of nuclear and radioactive materials and related materials.

2.4. Border Control

(1) Thailand has rendered its full cooperation with friendly countries to prevent WMD and dual-use items from being transited, transferred and transshipped from Thailand to other countries.

(2) Thailand and the United States signed the Declaration of Principles for the Container Security Initiative (CSI) on 11 June 2003. Thailand has already implemented the CSI by using X-ray container equipment to pre-screen and detect high risk containers at Laem Chabang Port since March 2004 and is now in the process of considering the possibility to use the Tracking System to ensure the security of containers while being shipped from Laem Chabang Port to Seattle Port.

(3) Thailand is implementing the Closed Circuit Television System at four important border control points in Chiang Rai, Nong Khai, Sa Kaeo and Songkhla provinces.

(4) The relevant Thai agencies have organized meetings and seminars with the private sector to raise their awareness of WMD non-proliferation and CSI.

(5) Thailand strictly adheres to various international treaties on land transport.

(6) Thailand is developing an Advance Passenger Information System (API) to monitor the movement of suspected persons on the WMD watch lists of intelligence agencies. The API system will be implemented in 2005. Thailand made progress on Personnel Identification Secure Comparison and Evaluation System (PISCES), with assistance from the United States, to conduct surveillance on suspected persons. PISCES will be implemented in 2006.

2.5. Control against Funding and Servicing of WMD Proliferation

The Royal Thai Government issued two Executive Decrees on 11 August 2003 to amend the criminal code and anti-money laundering law. The two amendments to the Penal Code and the Anti-Money Laundering Act were initiated to empower the relevant authorities, particularly the Anti-Money Laundering Office, to take effective counter-measures against any illegal financing.

3. Further Measures Planned in the Implementation of UNSCR 1540

3.1 Establish an end-user certificate system.

3.2 Review the existing control lists of WMD and dual use items with a view to establishing a comprehensive and updated national control lists.

3.3 Stricter control over import of biological and chemical substance under the relevant international Conventions.

3.4 Regulate and control the security of storage and chain of custody of chemicals listed in the Chemical Weapons Conventions by 2005.

3.5 Promote enhanced cooperation with the international community through intelligence and information sharing.

3.6 Implement the Megaport Initiative by using radioactive detectors at Laem Chabang Port to scan containers and vehicles at the port.

3.7 Control nuclear related materials under the Additional Protocol of the IAEA.

3.8 Intensify and enhance the existing implementation of Closed Circuit Television Systems and X-Ray container equipment, as well as initiate the implementation of Tracking Systems, in every important port around the country as proliferation preventive measures.

3.9 Strengthen the physical protection of nuclear materials and nuclear facilities.

4. Capacity Building Needed

4.1 Thailand welcomes international support and assistance to help develop more effective national export, transit and transshipments controls over WMD, their means of delivery and related dual use items.

4.2 Thailand seeks advice from experts on identification of WMD-related materials and dual use items.

4.3 Thailand needs training courses and workshop to exchange views and experience on how to effectively detect, deter, prevent and combat the transport of illicit WMD and related materials as well as trafficking and brokering which is consistent with international law.

United Nations

S/AC.44/2004/(02)/72

Security Council

Distr.: General
29 November 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 9 November 2004 from the Permanent Mission of Armenia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Armenia to the United Nations presents its compliments to the Chairman of the Committee, and with reference to the latter's note, has the honour to forward the report of the Republic of Armenia pursuant to Security Council resolution 1540 (2004) (see annex).

Annex to the note verbale dated 9 November 2004 from the Permanent Mission of Armenia to the United Nations addressed to the Chairman of the Committee

The report of the Republic of Armenia on the implementation of Security Council resolution 1540 (2004)

1. The unanimous adoption of Security Council Resolution 1540 (2004) on 28 April 2004 was a landmark event. This was the first Security Council resolution to address the threat that proliferation of weapons of mass destruction and their means of delivery, in particular by non-state actors, poses to international peace and security.

2. The Republic of Armenia, has taken a range of legislative and executive measures that ensure compliance with SCR 1540 and constantly continues to review policies, with a view to establishing what further measures may be necessary.

3. The Republic of Armenia is also fully committed to the work of the 1540 Committee in ensuring global implementation of this resolution.

Legislative action

4. The Republic of Armenia has a wide range of legislative measures in place to prevent the proliferation of WMD including by individuals or entities, which come within the scope of this resolution. According to the Constitution of the Republic of Armenia (adopted on June 5, 1995), more specifically its Article 6, the ratified international treaties form an integral part of Armenian legal system. In case of contradiction with national laws the international treaties prevail over national laws. Correspondingly, the pillars of this legislative framework are the Treaty on the Non-Proliferation of Nuclear Weapons (Armenian Parliament has adopted a resolution on accession to the NPT on September 24, 1991, just three days after adopting a declaration of independence on September 21, 1991 and deposited the necessary instruments of accession with the depositaries of the NPT - the Russian Federation, as the successor state of former USSR, on June 21, 1993 and USA on July 15, 1993), as well as the Chemical Weapons Convention (The Republic of Armenia has signed the CWC on March 19, 1993 and ratified it on January 27, 1995), and the Biological and Toxin Weapons Convention of 1974 (deposited the instruments of accession with the Russian Federation and USA on June 7, 1994).

5. The National Assembly (Parliament) of the Republic of Armenia adopted a new Criminal Code on 18 April 2003 and a law on "Export control of dual-use items and technologies and its transit across the territory of the Republic of Armenia" on September 24, 2003.

6. The draft laws on "Fight against terrorism" and "Fight against money laundering and financing of terrorism" have been developed.

7. Detailed responses as to how Armenia's legislative framework relates to specific issues raised in SCR 1540 are set out below.

Executive action

8. The Ministry of Foreign Affairs of the Republic of Armenia monitors implementation of SCR 1540, and has overseen the preparation of Armenia's response to the 1540 Committee.

Enforcement action

9. Action to enforce export controls is coordinated by the cross-departmental "Commission for the export control of dual-use items and technologies, as well as regulating the transit across the territory of the Republic of Armenia" (Export Control Commission), which is established by the special decision of the Government. This Commission is comprised of deputy ministers of all respective ministries, and reviews all applications for export and transit of dual-use items and technologies. The Chief of Staff of the Government of Armenia chairs it. The Commission helps identify and disseminate relevant information, recommends appropriate courses of action and updates a National control list.

10. The Customs Committee and the National Security Service of the Republic of Armenia are the lead agencies bearing the responsibility for preventing the import and export of unlicensed goods, investigating offences, and taking appropriate action. In all cases considered for prosecution, the Customs Committee is bound to act in accordance with the Customs Code of the Republic of Armenia adopted on January 1, 2001 and amended on July 1, 2003.

11. The Export Control Commission provides a methodological support to the companies in establishing the export control internal compliance programme by exporters and shipping companies.

12. Armenia is not a member of international export control regimes: Missile Technology Control Regime (MTCR), Nuclear Suppliers Group (NSG), Zangger Committee, the Australia Group, and the Wassenaar Arrangement and the prime reason is that Armenia is not a major supplier of controlled or military goods, materials and technologies, and the regimes membership may not be relevant to the economic profile of the country. So the fact that Armenia does not participate, should not suggest a disinclination on behalf of the government to comply with international standards, but merely conveys an absence of membership criteria rather than of will. Although Armenia itself is not a member of various multilateral control regimes, it strongly adheres to the goals and principles of these regimes.

13. The Republic of Armenia is a signatory to the Hague Code of Conduct on Ballistic Missiles.

Comments in relation to the specific issues raised posed by UNSCR1540:

Operative Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery

The Republic of Armenia does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any such support is prohibited under Armenian law. Appropriate national legislation is detailed below.

Operative Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

Action taken:

Criminal Code of the Republic of Armenia

Criminal legislation of the Republic of Armenia consists of the Criminal Code. New laws, which envisage criminal liability, are incorporated into the Criminal Code. Based on this all types of criminal offences are provided in the Criminal Code.

The Criminal Code of the Republic of Armenia (adopted on 18 April, 2003, entered into force on 2 August 2003) covers all necessary aspects of counter proliferation issues, by criminalizing the actions prohibited by WMD non-proliferation related treaties, establishing, *inter alia*, the extraterritorial jurisdiction for relevant crimes and determining the criminal responsibility also for different forms of complicity.

A. Criminalizing the WMD and dual use goods and technologies control related offences

Article 386 titled «Manufacture or proliferation of mass destruction weapons» of Chapter 33 (Crimes against peace and security) of Section 13 of the Criminal Code of the Republic of Armenia prohibits the development, production, acquiring or selling of WMD.
The Article reads as follows:

> ***Development, production, acquisition or selling of chemical, biological or other types of weapons prohibited by international treaties, transfer of raw materials or fissionable materials to a country that does not possess nuclear weapons, providing anyone with mass destruction weapons prohibited in international treaties or components necessary for its production, is punishable with imprisonment for the term from 4 to 8 years.***

Article 215 of the Criminal Code prohibits *inter alia* the smuggling of nuclear, chemical, biological or other mass destruction weapons, or dual-use materials, devices, or technologies which can also be used for the creation or use of mass destruction weapons or missile delivery systems thereof. This article provides, as sanction, the imprisonment from 4 to 8 years with confiscation of property or without it.

The same offences if committed:

- by an official abusing one's official authority;
- by a person exempted from certain types of customs control, or by a person authorized to transport certain goods or means of transportation, exempted from customs control,
- by using violence against a person in charge of customs control, is punishable with imprisonment for the term of 6 to 10 years, with or without property confiscation.

If offence is committed by an organized group, it is subject to punishment with imprisonment for the term of 8 to 12 years with or without property confiscation.

Article 217 of Criminal Code provides that terrorism (i.e. committal of explosion, arson or actions causing significant human losses, or other actions inflicting significant damage to property or actions causing danger to public, or threat of such actions, if these actions were committed with the purpose of violation of public security, intimidation of the population or exerting pressure on decision making by a state body or state official, as well as, for the purpose of fulfilling another unlawful demand of the perpetrator) if accompanied with use of weapon of mass destruction, radioactive materials or with a threat to use other means causing mass losses, is punished with imprisonment for the term of 10 to 15 years.

B. Matters of Jurisdiction

Articles 14 and 15 of the Criminal Code of the Republic of Armenia deal respectively with territorial and extra-territorial jurisdiction.

I. Territorial jurisdiction

> ***Article 14. The effect of the criminal law with regard to persons who committed crime in the territory of the Republic of Armenia.***
>
> ***1. The person who committed a crime in the territory of the Republic of Armenia is subject to liability under the Criminal Code of the Republic of Armenia.***
>
> ***2. The crime is considered committed in the territory of the Republic of Armenia when:***
>
> ***1) it started, continued or finished in the territory of the Republic of Armenia;***
> ***2) it was committed in complicity with the persons who committed crimes in other countries.***
>
> ***3. In case of crimes committed in the territory of the Republic of Armenia and other states, the person's liability arises under the Criminal Code of the Republic of Armenia, if the person was subjected to criminal liability in the territory of the Republic of Armenia and unless an international treaty of the***

Republic of Armenia prescribes otherwise.

4. The person who committed a crime on board of a ship or flying aircraft bearing the flag or the identification of the Republic of Armenia is subject to criminal liability, regardless of their whereabouts, under the Criminal Code of the Republic of Armenia, unless otherwise stipulated in an international treaty of the Republic of Armenia. Also subject to liability under the Criminal Code of the Republic of Armenia, is the person who committed a crime on board of a military ship or aircraft of the Republic of Armenia, regardless of their location

II. Extraterritorial jurisdiction

Article 15. Effect of criminal law with regard to persons who committed crimes outside the territory of the Republic of Armenia.

1. The citizens of the Republic of Armenia, as well as stateless persons permanently residing in the Republic of Armenia, who committed crime outside the territory of the Republic of Armenia, are subject to criminal liability under the Criminal Code of the Republic of Armenia, if the act committed by them is recognized as a crime in the law of the state where the crime was committed, and if they were not convicted in another state. When convicting the above-mentioned persons, the punishment can not exceed the upper limit for punishment in the state where the crime was committed.

2. The citizens of the Republic of Armenia, as well as stateless persons permanently residing in the Republic of Armenia, who committed crime outside the territory of the Republic of Armenia, are subject to criminal liability under Articles 384, 386-391, 393-397 of this Criminal Code, regardless whether the act is considered or not considered a crime in the state where the crime was committed.

3. Foreign citizens and stateless persons not permanently residing in the Republic of Armenia, who committed a crime outside the territory of the Republic of Armenia, are subject to criminal liability under the Criminal Code of the Republic of Armenia, if they committed:
1) such crimes which are provided in an international treaty of the Republic of Armenia;
2) such grave and particularly grave crimes which are directed against the interests of the Republic of Armenia or the rights and freedoms of the citizens of the Republic of Armenia.

4. The rules established in part 3 of this Article are applicable if the foreign citizens and stateless persons not permanently residing in the Republic of Armenia have not been convicted for this crime in another state and are subjected to criminal liability in the territory of the Republic of Armenia.

C. Complicity

Chapter 7 (Complicity) of Section 2 of the Criminal Code of the Republic of Armenia deals with complicity (willful joint participation of two or more persons in a willful crime). The organizing, abetting and aiding are also criminally punishable together with the perpetrator.

According to Article 38 of the Criminal Code of the Republic of Armenia there are the following types of accomplices:

- **The perpetrator is the person who immediately committed the crime or immediately participated in its committal with other persons (accomplices), as well as the one who committed the crime through the use of persons not subject to legal criminal liability or the persons who committed a crime through negligence.**
- **The organizer is the person who arranged or directed the committal of the crime, as well as, the one who created an organized group for committal of crime or criminal association or directed the latter.**
- **The abettor is the person who abetted another person to the committal of crime through persuasion, financial incentive, threat or other means.**
- **The aide is the person who assisted to the crime through pieces of advice, instructions, information or provided means, tools, or eliminated obstacles, as well as, the person who had previously promised to harbor the criminal, to hide the means and tools of crime, the traces of the crime or the items procured through crime, as well as, also, the person who had previously promised to acquire or sell such items.**

Planned action:

The draft laws on "Fight against terrorism" and "Fight against money laundering and financing of terrorism" have been developed. The draft law on "Fight against money laundering and financing of terrorism" has been already included in the agenda of the autumn session of the National Assembly of the Republic of Armenia.

Operative Paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a)Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

Action taken:

- **See below under OP3b.**

(b)Develop and maintain appropriate effective physical protection measures;

Legislative action

- The Republic of Armenia has ratified the Convention on Physical Protection of Nuclear Materials on June 22, 1993.
- The Agreement between the Republic Armenia and the International Atomic Energy Agency for the Application of Comprehensive Safeguards Agreement in connection with Treaty on the Non-Proliferation of Nuclear Weapon" was signed on September 23, 1993 and entered into force on May 5, 1994 (IAEA INFCIRC. 455)
- Convention on Nuclear Safety entered into force for Armenia on December 20, 1998.
- Protocol Additional to the Agreement between the Republic Armenia and the International Atomic Energy Agency for the Application of Safeguards in connection with Treaty on the Non-Proliferation of Nuclear Weapon" was signed on September 29, 1997 and entered into force from June 28, 2004
- The Law of the Republic of Armenia "On the Safe Utilization of Atomic Energy for Peaceful Purposes" (March 1, 1999 with supplements as of April 18, 2004) is Armenia's primary national nuclear law.

Law "On the Safe Utilization of Atomic Energy for Peaceful Purposes"

Insofar as physical protection is concerned, Article 4 of the Law states that it applies to the physical protection of nuclear facilities, nuclear and radioactive material, and several other related objects and activities.

Article 5 declares that nuclear facilities and nuclear and special materials are owned only by the Republic of Armenia.

Article 7 states that the national Government "organizes the physical protection of atomic energy utilization facilities" and "approves the safety regulations and rules submitted by the regulatory authority."

Article 8 gives State authorities the power to "develop safety rules and regulations in agreement with the regulatory authority" and to "develop and perform measures for the physical protection of atomic energy utilization objects."

Article 11 gives persons duly licensed in the manner prescribed by law the right to conduct activities in the field of atomic energy utilization.

Article 20 stipulates several elements of the operating organization's jurisdiction. In particular, it states that the operating organization is responsible for ensuring the physical protection of the nuclear facility; nuclear, radioactive and special material and special equipment and technologies.

Physical protection objectives and responsibilities are mentioned in Article 25 of the Law. It provides that the State regulation of physical protection of nuclear facilities and material is to be conducted by the State regulatory authority. It also states that entities licensed to operate nuclear facilities and conduct other nuclear activities, are responsible for the physical protection of nuclear facilities and material under their control. This article also sets forth a statement of the aims of physical protection.

Article 26 of the Law establishes additional general directives related to physical protection. This article states that requirements governing physical protection are to be determined by "safety regulations." It also prohibits the operation of nuclear facilities or the use, storage, and transportation of nuclear, radioactive or special material or radioactive waste unless physical protection of these activities is ensured.

Criminal Code of the Republic of Armenia

Article 227 is titled "Breach of safety regulations at nuclear energy facilities".

> ***1. Breach of safety regulations at facilities using nuclear energy for location, design, construction, repair, reconstruction, operation or decommissioning, re-commission, transportation or use of nuclear fuel or radioactive materials, which negligently inflicted grave or medium gravity damage to human health, is punished with a fine in the amount of 200 to 500 minimal salaries, or with correctional labor for the term of up to 2 years, or with imprisonment for the term of 5 years, with or without deprivation of the right to hold certain posts or practice certain activities for the term of up to 3 years.***
>
> ***2. The action envisaged in part 1 of this Article which negligently caused human death, radioactive contamination of the environment, or other grave consequences, is punished with imprisonment for the term of 4 to 10 years, with or without deprivation of the right to hold certain posts or practice certain activities for up to 3 years.***

Article 233. "Illegal turnover of radioactive materials".

> ***1. Illegal procurement, keeping, use, transportation, transfer, sale, destruction or damage of radioactive materials, is punished with correctional labor for the term of up to 1 year, or with arrest for the term of up to 2 months, or with imprisonment for the term of up to 2 years.***
>
> ***2. The same action which negligently caused grave or medium-gravity damage to health, is punished with correctional labor for the term of up to 2 years, or with imprisonment for the term of up to 5 years.***
>
> ***3. The action envisaged in part 1 of this Article which negligently caused human death or other grave consequences is punished with imprisonment for 4-10 years.***

Article 234. "Theft or extortion of radioactive materials".

> ***1. Theft or extortion of radioactive materials, is punished with imprisonment for 3-5 years.***
>
> ***2. The same act committed by:***
>
> ***1. by several persons with prior agreement;***

2. *by abuse of official position;*
3. *with violence not dangerous for life or health, or with threat of such violence, is punished with imprisonment for the term of 4 to 7 years.*

3. Actions envisaged in parts 1 or 2 of this Article, committed:

1. *by an organized group;*
2. *with violence dangerous for life or health, or with threat of such violence, is punished with imprisonment for the term of 5 to 12 years, with or without property confiscation.*

Decrees of the Government of the Republic of Armenia

- **Government decree №573 dated November 16, 1993 on the Armenian Nuclear Regulatory Authority (establishment of the regulatory authority)**
- **Government decree №389 dated August 22, 1994 on Armenian Nuclear Power Plant safety rules and regulations (application of regulations of Russian Federation in Armenia)**
- **Government decree №465 dated July 19, 1999 on approval of the list of atomic energy utilization objects important in terms of safety and security.**
- **Government decree №70 dated February 19, 2000 on the Armenian Nuclear Regulatory Authority (ANRA) (acknowledgment of the ANRA as the regulatory authority pursuant to the Law of the Republic of Armenia "Safe Utilization of Atomic Energy for Peaceful Purposes").**
- **Decree №385 as of 22 June 2000 issued by Prime Minister of the Republic Armenia on approval of the ANRA Statute.**
- **Government Decree №452 dated May 24, 2001 on resting the responsibilities for regulation of safety of ionizing radiation sources and protection against ionizing radiation in the Republic of Armenia to the ANRA.**
- **Government Decree No. 765 dated August 16, 2001 on approval of procedure for registration of ionizing radiation sources.**
- **Government Decree No. 1263 dated December 24, 2001 on approval of special rules on transport of nuclear and radioactive materials.**
- **Government Decree № 931-N dated June 27, 2002 establishing procedure for safe transportation of nuclear and radioactive materials**
- **Government decree No. 1231 dated September 11, 2003 on approval of the "Concept of physical protection and security on Armenian Nuclear Power Plant (ANPP) and nuclear materials" and "Rules on physical protection of nuclear installations and nuclear materials".**

Action taken:

IAEA IPPAS mission organized in Armenia from 17-27 November 2003 made recommendations on elimination of deficiencies and on strengthening of the national physical protection system.

The ANPP has developed a project on strengthening of the national physical protection system and the implementation of this project will allow eliminating most of deficiencies detected by the IPPAS mission and significantly increase the ANPP physical protection level.

At present the US DOE renders financial assistance to the ANPP for implementation of the above mentioned project.

Planned action:

Improvement of ANPP and Nuclear Material Physical Protection System.

Project duration: 2 years (for 2005 to 2006)

Specific objective(s) of the project:

Improvement of ANPP and Nuclear Material Physical Protection System. With regard to design basis threat, vulnerability of physical protection analysis and emergency management.

(c)Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

Action taken:

The Customs Code of the Republic of Armenia (adopted on January 1, 2001 and amended on July 1, 2003).

Article 9. The main objectives of the Customs authorities, *inter alia*, include:

- To prevent smuggling and violation of the RA Customs legislation with respect to transportation of goods across the customs border of the Republic of Armenia, to prevent illicit traffic of drugs, arms /.../, and other goods across the Customs border of the Republic of Armenia, as well as to assist in struggle against international terrorism;
- To meet liabilities and exercise the rights of the Republic of Armenia stipulated by International treaties with respect to customs related issues, promote cooperation with Customs Authorities and other authorized bodies of foreign States, as well as International organizations dealing with customs related issues.

Article 19. Prohibition of Import and Export of Goods and Means of Transportation.

> *Import of goods and means of transportation into and export thereof out of the customs territory of the Republic of Armenia may be prohibited in cases defined in this Code and other legal acts, when these goods and means of transportation endanger State and national security, public order..."*

Article 20. Restrictions on Import and Export of Goods and Means of Transportation

1. *The Government of the Republic of Armenia may define non-tariff means of regulation for import of goods and means of transportation into and export thereof out of the RA territory in compliance with the RA laws and International*

treaties, proceeding from consideration of economic policy of the Republic of Armenia, meeting International liabilities, economic sovereignty and security /.../.

2. ***With the aim to ensure implementation of provisions of paragraph 1 of Article 19 and paragraph 1 of Article 20 of the present Code the Government of the Republic of Armenia shall:***

   a. Prohibit transportation of certain goods across the RA customs border under customs regimes defined in this Code;
   b. Restrict transportation of certain goods across the RA customs border under customs regimes defined in this Code.

Article 122. Sampling of Goods or their Specimen for Customs Formalities

1. ***The Customs Authorities have a right to take samples or specimens of goods for customs formalities, as well as to carry out investigations.***

2. ***With the permission from the Customs Authorities samples or specimens of goods taken from the goods in Customs safekeeping, can also be taken by persons authorized to deal with goods or other Government Authorities carrying out appropriate control.***

3. ***Samples or specimens of goods shall be taken in minimum sufficient quantities for investigation.***

4. ***Whenever samples or specimens of goods are taken, a legal statement shall be drawn up.***

5. ***Persons or their representatives authorized to deal with goods in accordance with the legislature in force of the Republic of Armenia are allowed to be present during the process of taking samples and specimens. Officials of the Customs Authorities shall be present at the process of taking samples and specimens by other State Authorities or persons authorized to deal with goods.***

6. ***The State Authorized Body or a person, entitled to deal with goods, in accordance with legislation in force of the Republic of Armenia, shall cover all expenses arising from taking samples and specimens.***

7. ***Whenever the authorized persons dealing with goods in accordance with legislation of the Republic of Armenia do not show up for 10 consecutive days after the goods have been presented, the Customs Authorities may take samples or specimens in the absence of authorized persons. In this case two persons shall be involved in the process of sample/specimen taking.***

8. ***Persons or their representatives authorized to deal with goods in accordance with legislation in force of the Republic of Armenia have a right to know the outcome of the investigation. Other State Authorized Bodies of the Republic of Armenia shall inform the Customs Authorities about the results of the investigations they carry out.***

Article 131. Declarant

1. The declarant may be a person transporting goods and means of transportation or a person authorized by him.

2. The declarant shall only be a person of the Republic of Armenia, except for the cases when natural persons transport goods across the customs border of the Republic of Armenia.

3. The declarant shall incur liability for authenticity of the information declared.

4. In case the person transporting goods across the customs border of the Republic of Armenia is mentally ill or suffers from other serious disease, or if he is under sixteen, the declaration shall be effected by a lawful representative of the latter incurring liability defined by the present Code for the declarant, including liability for authenticity of the information declared.

Article 132. Rights and Liabilities of Declarant

1. Before the customs declaration the declarant shall have the right to carry out examination and take measurements of goods and means of transportation under customs control, take samples or specimens of goods by consent of the Customs Authorities, provided that they shall be included in the declaration.

2. In case of declaration of goods and means of transportation the declarant shall:

   a. Declare goods and means of transportation in accordance with the procedure established by the present Code;
   b. At the request of the Customs Authorities present the goods and means of transportation to be declared;
   c. Provide the Customs Authorities with all relevant information and documents required for customs purposes.

Article 133. Documents and Information to be Provided for the Customs Affairs

1. All documents and information required for the implementation of customs affairs shall be presented to the Customs Authorities at the time of declaration.

2. The Customs Authorities shall be entitled to request information only subject to declaration and documents related to the specific case of transportation of goods that allow correction of the information.

Article 138. Implementation and Types of Customs Control

1. Persons implement customs control in order to maintain regulations for transportation of goods and transportation means. All goods and transportation means that are transported through the RA Customs border are subject to the Customs control if not otherwise defined by this code.

2. Officials of the Customs Authorities shall perform customs control. It implies the following:

   a) Verification of information and documents required for customs affairs;
   b) Customs examination (examination of goods and means of transportation; examination of a person as a particular type of customs control);
   c) Accounting for goods and means of transportation;
   d) Oral questioning of physical persons;
   e) Auditing of accounting and reporting systems;
   f) Inspection of customs warehouses, free customs warehouses, free trade zones, duty free shops, customs control zones and other construction sites and territories where the goods and means of transportation subject to customs control may be stored, or activities subject to customs control.
   g) Application of customs security tools
   h) Other types of control stipulated by the RA law and other legal acts of the Republic of Armenia;
   i) Post-import audit of goods and means of transportation.

3. The technical measures that do not endanger the protection of animals and plants, human life and health, or do not cause damage to goods, means of transportation and persons shall be implemented during the performance of customs control.

4. The Government of the Republic of Armenia shall establish the procedure for performance of customs control.

Article 140. Customs Control Zones

1. In order to perform customs control, customs control zones may upon suggestions of the RA Ministry of State revenues be created by the Government of the Republic of Armenia in territories adjacent to the RA customs border, at the place of fulfillment of the customs formalities, at the location of the Customs Authorities and other places.

2. The implementation of any trading activities, shift of goods, means of transportation as well as any activity /entry and exit included/ of persons including officials of other State Bodies within the territory of customs control zone within the limits of their authority shall take place only by permission and under the control of the Customs Authorities, except the cases stipulated by the Legislation in force.

Article 141. Documents and Information Required for Customs Control.

1. Any person transporting goods and means of transportation across the customs border of the Republic of Armenia, or implementing such kind of activities that are subject to the control of the Customs Authorities, shall provide the Customs Authorities with documents and information required for the implementation of the customs control, the list and procedure for presentation of documents and information shall be specified by the Government of the Republic of Armenia.

2. *Law enforcement bodies, persons of the Republic of Armenia shall, on their own initiative or upon application of Customs Authorities, provide information required for the performance of customs control.*

Article 142. Involvement of Specialists and Experts in the Implementation of CustomsControl.

In order to implement customs control the Customs Authorities shall, in accordance with the legislation, be legally entitled to involve specialists and experts from other state law enforcement and supervisory bodies.

Article 143. Access of Officials of the Customs Authorities to Buildings and Territories specified for implementation of Customs Control

1. *In order to perform the customs control, officials of the Customs Authorities shall upon the order of the head of Customs body have the right to enter the buildings and territories belonging to persons:*

   a. Where the goods and means of transportation subject to such control may be located;
   b. Where documents required for the performance of customs control may be available,
   c. Where any activity subject to the control of the Customs Authorities could be performed.

2. *The regulations for officials of Customs Bodies to enter physical person's house shall be defined by law.*

Article 144. Customs security tools and their application.

1. *Customs security tools can be applied by Customs Authorities to the means of transportation, buildings and other places where the goods and means of transportation subject to customs control are /or may be located, the places where activities subject to the control of the Customs Authorities are performed as well as the goods and means of transportation subject to customs control.*

2. *Application of customs security tools shall be carried out through applying stamps, seals, numerical or alphabetical identification marks, or/and other type, through branding, taking test samples and specimens, description of the goods and means of transportation, through using designs, scale images, photos, illustrations, documents accompanying goods as well as any other ways of identification.*

3. *Customs security means may only be removed or modified by the Customs Authorities or upon their authorization, except in the cases of irretrievable loss of goods and means of transportation, real danger of substantial deterioration or destruction of them. The Customs Authorities shall be expeditiously notified of the removal, destruction or modification of identification means and shall be presented with evidences of the aforementioned dangers.*

Article 145. Inspection of goods and means of transportation

1. ***The Customs Bodies shall be entitled to perform inspection of goods and means of transportation in order to verify the legality of transportation of goods and means of transportation across the customs border of the Republic of Armenia as well as accounting for collection of customs payments.***

2. ***A representative of the person that handles transportation of goods and means of transportation across the customs border of the Republic of Armenia or provides space for their storage shall be present during the inspection.***

3. ***The Customs officer shall check the validity of declared information upon the inspection of goods ant transportation means.***

Article 151. Provision of Specimens and Test Samples for Implementation of Customs Control; Cargo and Other Similar Operations Related to Goods and Means of Transportation

1. ***By the request of the Customs Authorities carriers of goods shall provide specimens and test samples required for the performance of customs control, and perform cargo or other similar operations related to goods and means of transportation. Carriers shall not impede the performance of these activities.***

2. ***The specimens and test samples of goods shall be provided in minimum quantity sufficient for investigation. In case of taking specimens or samples the Customs Authorities shall provide a written note to the importer or his representative.***

Article 183. Smuggling

1. ***Illicit transportation of goods in huge quantities, cultural or other valuable goods, as well as arms, weapons, narcotics, virulent, poisonous, radioactive, explosive materials and devices regardless their quantity across the customs border of the Republic of Armenia without customs control or concealing the above mentioned materials, or with the fraudulent use of customs and other documents shall be considered smuggling.***

2. ***Smuggling shall be punished in compliance with provisions of the Criminal Code of the Republic of Armenia.***

Chapter 34 of the Customs Code empowers Customs Authorities as investigative bodies

Article 184. Customs Authorities as Investigative Bodies

Customs Authorities shall act as investigative bodies in cases related to smuggling and other crimes specified in the Criminal Procedure Code, on which conducting investigation proceedings is within the scope of Customs Authorities.

Article 185. Conduct of Investigation Proceedings by Customs Bodies

Customs Authorities of the Republic of Armenia shall conduct investigation proceedings in the event of indications of smuggling and other crimes. Customs Authority shall initiate a criminal case in conformity with the provisions of the Criminal Procedure Code of the Republic of Armenia, perform immediate investigative actions with a view to reveal and justify traces of the crime and identify persons that have committed the crime.

Article 211. Administrative Arrest

1. *Administrative arrest of up to 3 hours of person who has infringed customs regulations shall be allowed with the aim to draw up a protocol and make a decision on customs regulations infringement, in case there remains no other way to identify the person who has infringed customs regulations.*
2. *Person who has infringed customs regulations shall be arrested for period of 3 days by notifying the prosecutor in writing within 24 hours from the moment of arrest, in case there are sufficient facts concerning transportation of goods concealed in his body across the customs border, if the person shows resistance to Customs Authorities officials during personal inspection or tries to escape from the place of incident.*
3. *The terms of administrative arrest shall be considered the period from the time of bringing the person infringing customs rules to the building of Customs Body, where it is possible to implement activities stipulated under provisions of paragraph 1 of the present Article, and from the time of sobering for the person infringing customs rules in a state of intoxication.*
4. *Protocol shall be drawn up concerning administrative arrest, where shall be indicated surname and position of the person drawing up the protocol, requisites of the arrested person, grounds for arresting and date of arresting.*

Article 212. Confiscation of Goods, Means of Transportation and Documents

1. *Goods being the direct object of customs regulations infringement, transportation means used for transportation of those goods across the customs border, caches deliberately made for transportation of goods across the customs border of the Republic of Armenia, as well as documents required for proceedings concerning customs regulations infringement shall be subject to confiscation. The confiscation shall be executed with the participation of witnesses, and a translator/interpreter and expert in case of necessity.*
2. *At the time of confiscation officials of Customs Authorities shall be authorized to demand to open locked buildings and warehouses, and to open the locked buildings and warehouses on their own in case of refusal to comply with requirements of officials. All goods, means of transportation and documents confiscated shall be presented to all participants to the action, described in detail in the protocol, and sealed in case of necessity.*

3. Relevant protocol shall be drawn up after confiscation, where shall be indicated surname and position of the executor of protocol, the place of action, time, circumstances, data certifying identity of participants, quantity, size, weight, personal characteristics of confiscated goods and other peculiarities.

4. The official executing protocol shall be obliged to make all participants of the action familiar with the protocol, then the latter shall sign it and shall be authorized to demand their comments to be recorded in the protocol.

5. A copy of the signed protocol shall be given to the person from whom have been confiscated goods, transportation means and documents.

Article 214. Implementation of Customs Inspection

1. If there are sufficient grounds to suppose that goods and transportation means, being direct object of the infringement of customs regulations, are stored in the territories, buildings and means of transportation, or there are specially designed caches used for illegal transportation of goods across the customs border of the Republic of Armenia, the officials of Customs Authorities shall be authorized to perform customs inspection of the territories, constructions, means of transportation and other objects with compulsory participation of representatives of the given object. Experts shall be involved as well if required.

2. Protocol shall be arranged concerning results of customs inspection, where shall be indicated the surname and position of the executor, the place of inspection, date, detailed description of inspection results. All participants of the action shall sign the protocol. In case photo have been taken, recordings made and other evidence gathered at the time of action a relevant record with respect to it shall be made in the protocol.

Article 215. Taking Samples for Examination

1. In the course of investigation of the cases of customs regulations infringement, the officials of Customs Authorities shall be entitled to take samples of final goods, raw materials, substances, hand writings and samples characterizing goods in case their examination is required for the investigation.

2. A well-grounded decision on sampling shall be made, where shall be indicated the position and surname of decision-maker, as well as the place, quantity and type of samples to be taken, and other circumstances.

3. The official of Customs Body shall implement all required activities and take samples in the presence of participants and witnesses. All the samples taken, except for documents, shall be packed and sealed.

4. In accordance with provisions of Article 122 of the present Code a relevant protocol on sampling shall be made, where shall be indicated all the activities implemented, measures and methods applied, as well as the types of samples taken.

Article 216. Execution of Expertise

1. If special professional knowledge in the field of science, engineering, art, handicraft etc., is required to clarify circumstances of great importance for proceedings on customs regulations infringement, the official conducting the case shall schedule an expertise.

2. A decision on the expertise shall be made, where shall be indicated the reasons for scheduling expertise, material evidence presented for expertise and other objects, by specifying at the same time circumstances in which they have been revealed or obtained, as well as the name of the institution designated to carry out the expertise and questions posed to the expert.

(d)Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

Action taken:

- **On September 24, 2003 the National Assembly (Parliament) of the Republic of Armenia adopted the law on "Export control of dual-use items and technologies and its transit across the territory of the Republic of Armenia". It entered into force on November 8, 2003 and replaced existing export control powers and extended them. The law also replaced all former Governmental decrees that were regulating the export control related issues.**

- **At the core of Armenia's export control concept lay a number of fundamental national security interests, namely control of the national borders; curbing the spread of WMD; prevention of illicit trafficking. The Republic of Armenia believes that an effective and efficient export control system, compatible with international standards, will help us to reduce or eliminate threats to our national security and to international community.**

- **The Law on export control supports and supplements the implementation of international obligations and commonly agreed measures in order to fight the proliferation of weapons of mass destruction and their delivery systems, guarantees the implementation of international agreements and establishes an effective export control mechanism, creates favorable conditions for integrating into world trade system and acquisition of modern technologies by promoting foreign trade and foreign investments.**

- **The law envisages the establishment of the Export Control Commission, which is comprised of the representatives of all concerned Ministries and agencies involved in export control regulation. Primarily, the Commission is responsible for issuing the permission or denial for exporting the dual use items and technologies; developing of the export control mechanisms and its improvement; coordinating the works for the creation of new control list; discussing the issues of international cooperation with regard to export control, organizing the deliberations with the participation of concerned ministries and agencies on each request, connected with dual-use item and technology; registering the exporters; providing the information to the exporters and industry on recent developments with regard to export control legislation and international non-**

proliferation regimes as well as for the receiving of notifications about the transit of dual use items and technologies across the territory of the country.

- The Law requires the establishment of internal compliance programme for the companies that produce or constantly trade in dual-use items and technologies.
- Under the Law, the Export Control Commission acquired more powers in obtaining the information about the end-use or end-user. The permission for export of controlled items and technologies shall be allowed only when the end-user provides written documentation (end-user certificate) that they shall not be used to create weapons of mass destruction or the means of their delivery. It is also specified that the permission is granted on the condition that end user should not transfer (re-export) the controlled items and technologies to third parties without permission of Export Control Commission. Moreover, the Export Control Commission is authorized to request an additional information or documentation from the competent authority of a foreign government, which must guarantee in writing that the controlled items and technologies shall not be used for the creation of weapons of mass destruction and means of their delivery. The Export Control commission is also authorized by Law to make necessary actions for post-shipment verification of supplied items and technologies.
- It is forbidden by the Law to export and the transit permission shall not be granted if controlled items and technologies are destined to countries where export of such items and technologies is prohibited or restricted in accordance with the international obligations of the Republic of Armenia.
- Paragraph 1 of the Article 12 specifically stipulates that the controlled items and technologies may be exported out of the country only when the permission is granted by the Export Control Commission.
- The Law defines the conditions under which the permission for export may not be granted. An important addition to the previous legislation is foreseen in paragraph 1 (3), Article 14: "The permission for export may not be granted if as a result of such export the national security of the Republic of Armenia may be endangered or if such a risk exists" and paragraph 2 of the same Article, which sets conditions for revoking of previously issued permissions.
- Article 16 of the Law deals with transit issues. The natural or legal persons which intend to deliver dual use items or technologies through the territory of the Republic of Armenia would be requested to send special notification to the Export Control Commission five days in advance of entering Armenia's customs territory and submit along with notification the following information: list, amount, and packaging of goods being shipped; means of transport; name of manufacturer, exporter, shipper and importer; transportation route and date of transit. All this information must be accompanied with the copy of license (or permission) issued by the authorized agency from the Exporting Country. The Commission will keep the records of each transit in a special register. This particular provision shall apply only when the territory of Armenia is being used for transit and not in any other case such as temporary import, re-export or other customs regime.
- The export control system was further strengthened by criminalization of unauthorized trade in controlled items and technologies (see OP2, Art. 215 of the Criminal Code).

- After the adoption of the Law, the Government has adopted two related by-laws. The Government Decree No. 212-N dated February 19, 2004 "On establishing of the rules and composition of the Export Control Commission" and Governmental Decree No. 765-N dated May 20, 2004 "On rules and procedures for inspection of controlled items and technologies by experts".

Planned action

- The development and adoption of the new National control List, which will correspond to the EU-based Control List.

Operative Paragraph 5

Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons.

The Republic of Armenia is a state party to the Nuclear Non-Proliferation Treaty (NPT); the Chemical Weapons Convention (CWC); and the Biological and Toxin Weapons Convention (BTWC). The Republic of Armenia is also a member of the IAEA (1993) and OPCW (founding member state) and supports the work by States Parties to strengthen implementation of the BTWC.

Operative Paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.

Action taken:

- The Republic of Armenia has declared the adherence to the principles and goals of multilateral export control regimes, and is working towards meeting international standards. After the adoption of the Law on "Export control of dual-use items and technologies and its transit across the territory of the Republic of Armenia", the Government has taken a decision to adapt its national export control list with the EU Control list.

Planned action:

- The Republic of Armenia has designed a biannual project plan with the U.S. Department of Commerce Bureau of Industry and Security Office of International Programs with the aim of adopting of the EU model control list by Armenia, which will provide significant benefits to government licensing officers as well as exporters. An initial National control List training has been already conducted in Yerevan, September 13-15, 2004.

- The Republic of Armenia will be closely monitoring the plenary meetings of the relevant multilateral export control regimes in order to constantly update its national control list.

Operative Paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions

The Republic of Armenia appreciates the fact that some states are ready to provide assistance in implementing the provisions of this resolution and is planning to take full use of it. Armenia also acknowledges the valuable assistance provided by IAEA, OPCW and other international organizations in this regard that is supplementing our national efforts in this regard.

The Republic of Armenia has greatly benefited from the cooperation with the United States, Russia, France, UK and other EU countries, which boldly enhanced our national capabilities in the fight against the proliferation of weapons of mass destruction since gaining independence.

Operative Paragraph 8

Calls upon all States:

(a)To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Action taken:

- At the First Conference of the State Parties to the CWC in May 1997, Armenia reiterated its commitment to the CWC objectives of nonproliferation and complete elimination of chemical weapons, despite the fact that not all states of our region had ratified the Convention by that time.
- At the Second CWC conference, Armenia cosponsored the draft recommendation proposed by 16 states on ensuring the universality of the Convention.
- At the 1995 NPT Review and Extension Conference, Armenia advocated for indefinite extension of the Treaty and cosponsored the Canadian resolution, which paved the way to the consensus decision of the Conference to that effect.
- The Republic of Armenia fully supports the EU Common Position, November 2003, on the universalization of the main multilateral non-proliferation agreements (CWC, BTWC, NPT)
- Urging non-state parties to adhere to multilateral treaties, in order to achieve their universal application.

Planned action:

- **The Republic of Armenia will continue to promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons**

(b)To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

- **The Republic of Armenia plans to proceed by the Plan of Action regarding the implementation of Article VII obligations adopted by the OPCW Conference of State Parties on October 24, 2003 in order to adjust its national legislation with the requirements of the Chemical Weapons Convention by November 2005.**

(c)To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

The Republic of Armenia continues to provide full support for the aims and activities of the IAEA as a state party.

The Republic of Armenia continues to provide full support for the aims and activities of the OPCW as a state party. Currently an "Agreement between OPCW and the Government of the Republic of Armenia concerning the provision of assistance" is in the process of negotiation, which will enable Armenia to provide assistance to the Organization upon request.

As a state party to the BTWC, the Republic of Armenia remains fully committed to strengthening the Convention.

(d)To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

- **Organization of seminars and workshops with the assistance provided by the US Government**
- **The Export Control Commission provides a methodological and information support to the exporting and freight forwarding companies in establishing the export control internal compliance program.**

Operative Paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery

The Republic of Armenia continues to promote dialogue and co-operation on non-proliferation in a range of fora so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery.

The Republic of Armenia has signed an Agreement with the Government of the Republic of Argentine on "Cooperation in the field of peaceful use of nuclear energy" (entered into force on April 22, 1999).

The Republic of Armenia has signed an Agreement with the Government of the Russian Federation on "Cooperation in the field of peaceful use of nuclear energy" (entered into force on January 10, 2001).

On a bilateral level, the United States of America and the Republic of Armenia have agreed to mutual cooperation and assistance in the worldwide effort to counter the proliferation of weapons of mass destruction. As part of this effort, on July 24, 2000 both countries signed an agreement titled "Agreement between the Government of the United States of America and the Government of the Republic of Armenia concerning cooperation in the area of counter-proliferation of weapons of mass destruction".

The governmental agencies of the Republic of Armenia are actively cooperating with the US Nuclear Security Administration and US Nuclear Regulatory Authority. In Yerevan the US Government organized Nuclear Export Control Enforcement training for Customs and Border Guards and a training course for nuclear end-use and end-user identification related problems.

The Republic of Armenia has actively participated in all projects offered by the U.S. In January 2003, the Bureau of Diplomatic Security, Department of State has formally accepted Armenia into its Anti-Terrorism Assistance (ATA) program. Armenia has already immensely benefited from the assistance programs and following trainings: Vital Installation Security Course (March 18-April 5, 2002 in Albuquerque, New Mexico), Postal Chemical/Biological Incident Management Course (July 8, 2002, Yerevan), Explosive Incident Countermeasures Course (June 24-August 2, 2002, Louisiana). The Bureau of Diplomatic Security has conducted an airport security needs assessment in July 9-13, 2002 in order to find out the requirements for undertaking an appropriate training for airport staff.

One of the recent initiatives is a cooperation with the US Defence Threat Reduction Agency, which organized specific trainings under the US Department of Defence International Counter Proliferation Program: "Counter-proliferation awareness" (April 26-30, 2004),"Pre-training survey assessment on border detection equipment" (May 17-28, 2004), "Dual use and specialized equipment" (June 14-18, 2004),"Radiological detection and Response course" (July 20-21, 2004). As part of this training, the United States Government donated the specialized equipment to the Republic of Armenia to assist in our efforts to counter the proliferation of weapons of mass destruction. The US Government is also assisting the Armenian law enforcement agencies by providing the "WMD related investigation analysys" trainings in Armenia.

Armenia is also engaged in US Export Control and Border Security Program, which is designed to develop the enforcement skills of the Armenian border guards and the Customs Service in their fight against the movement of weapons of mass destruction and products that have dual use. The Republic of Armenia appreciates the fact that the United States remains committed to continuing cooperation with Armenia to enhance Armenian export control and border security capabilities. All projects, which are currently under way, reflect this commitment and the needs and priorities of Armenian Government.

The Republic of Armenia is actively participating in Non-Proliferation and Disarmament Cooperation Initiative (NDCI) proposed by the EU. Armenian representatives participated in two working meetings of NDCI – December, 2002 in Brussels and March, 2004 in London.

The Thessaloniki European Council in June 2003 agreed that preventing the proliferation of WMD should be a priority for the Union, both internally and in its relations with third countries, and agreed on an Action Plan for addressing the issue. The Republic of Armenia, among others, has been identified as a recipient of the EU support through IAEA Nuclear Security Program and is engaged in three areas of cooperation – the physical protection of nuclear materials and other radioactive materials in use, storage and transport, and of nuclear facilities; security of radioactive sources as well as state's capabilities for detection and response to illicit trafficking.

On September 1, 2004 the Republic of Armenia has officially affirmed the Government's commitment to the principles and guidelines of the 2002 G8 Kananaskis declaration on Global Partnership against the spread of weapons and materials of mass destruction and on September 10, 2004 has been formally recognized as a G8 Global Partnership participant at G8 Senior level meeting in Geneva.

The Republic of Armenia has participated at the GTRI – Global Threat Reduction Initiative meeting in Vienna on September 18-19, 2004 and supported the final document of that meeting.

On August 25, 2004, the Republic of Armenia, pursuant to the provisions of the Article 4, Section B of Resolution No. GC (47)/Res/7 regarding the Code of Conduct on the Safety and Security of Radioactive Sources, has officially supported and endorsed the IAEA efforts to enhance the safety and security of radioactive sources and pledged to work toward the guidance contained therein as well as encouraged other countries to do the same.

Operative Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Action taken:

- The Customs State Committee of the Republic of Armenia seeks to develop contact and assist other states through mutual administrative and mutual legal assistance.
- The IAEA's International Nuclear Security Advisory Mission is invited to visit Armenia later this year to identify the priorities of cooperation in order to further enhance Armenia's capabilities for detection and response to illicit trafficking.
- The Republic of Armenia is currently considering the possibility for joining the Proliferation Security Initiative (PSI), which aims to help prevent trafficking in WMD and related material.

Planned action:

- The Republic of Armenia is still considering what further action may be necessary.